UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

EVENFLO COMPANY, INC., Petitioner,

v.

BABY JOGGER, LLC Patent Owner.

U.S. Patent No. 11,577,771

Case No.: IPR2025-01140

PETITION FOR INTER PARTES REVIEW UNDER 25 U.S.C. § ET SEQ. AND 37 C.F.R. § 41.100 ET SEQ. (U.S. PATENT NO. 11,577,771)

Table of Contents

TABI	LE OF	AUTHORITIES	vi	
List o	f Exhi	bits	vii	
Mand	Iandatory Notices under 37 C.F.R. §42.8 i			
	Real	Party-In-Interest - 37 C.F.R. §42.8(b)(1)	i	
	Relat	ed Matters - 37 C.F.R. §42.8(b)(2)	i	
	Lead	and Back-Up Counsel - 37 C.F.R. §42.8(b)(3)	ii	
	Servi	ce Information - 37 C.F.R. §42.8(b)(4)	iii	
	Fees ·	- 37 C.F.R. §42.15(a)	iii	
I.	INTR	ODUCTION	1	
II.	STAN	NDING REQUIREMENTS UNDER 37 C.F.R. §42.104	2	
	A.	Standing – 37 C.F.R. §42.104(a)	2	
	B.	Challenged Claims – 37 C.F.R. §42.104(b)(1)	2	
	C.	Prior Art	2	
	D.	Grounds of Challenge – 37 C.F.R. §42.104(b)(2)	4	
III.	LEVE	EL OF ORDINARY SKILL	4	
IV.	STAT	TE OF THE ART	5	
V.	THE	'771 PATENT	6	
	A.	Overview and File History	6	
VI.	LEVE	EL OF ORDINARY SKILL	10	
VII.	CLA	M CONSTRUCTION	10	
	A.	"Handle Portion" (All claims)	11	
VIII.	PRIO	RITY AND AIA STATUS	13	
	A.	The Challenged Claims are not entitled to an EFD prior to		
		March 21, 2016	13	
		1. PO Elected Subject Matter First Disclosed in 2016	14	
		2. Failure to Disclose	15	
		3. Multiple limitations recited in claim 1 are not supported		
		before 2016	15	
		a. "substantially within a plane" / "substantially		
		along the plane of the frame"	16	
		b. "Handle Portion"	17	
	B.	The '771 Patent Is Subject to the AIA	20	
IX.	Prior	Art Overview	21	
	A.	Rolicki	21	
	B.	Gotting	22	
	Ċ.	Britax	24	
	D.	Offord '341	25	
	E.	Offord '797	27	

X.	Unpa	tentab	ility G	rounds	28
	A.	Grou	nd 1 -	Claims 1-15 are obvious in view of Rolicki	28
		1.	Clain	n 1	28
			a.	[1.0] - A stroller convertible from a single seat	
				configuration to a double seat configuration	
				without increasing its footprint	28
			b.	[1.1] / [1.2] - two rear wheels; only two front	
				wheels;	29
			c.	[1.3] - a frame supported by the front and rear	
				wheels and comprising a handle portion and left	
				and right foldable support members extending	
				from the handle portion towards a front end	
				portion of the frame, the foldable support members	
				extending in a parallel, spaced relationship and	
				substantially within a plane that runs diagonally	
				from the handle portion towards the front end	
				portion of the frame;	31
			d.	[1.4] - a first seat releasably connected to the frame	
				at a first vertical position that is closer to the	
				handle portion than the front end portion, the first	
				seat being connectable to the frame in either a	
				forward or backward facing position to form the	
				single seat configuration;	36
			e.	[1.5a] - wherein the frame receives an optional	
				second seat assembly to form the double seat	
				configuration, the second seat assembly	
				comprising:	38
			f.	[1.5b] / [1.5c] - right and left seat attachments	
				disposed along the right and left support members	
				of the frame, respectively, at a second vertical	
				position that is lower than the first vertical	
				position, and wherein the second vertical position	
				is closer to the front end portion than the handle	
				portion; and	40
			g.	[1.5d] - a second seat connectable to the right and	
			U	left seat attachments in either a forward or	
				backward facing position;	42
			h.	[1.5e] - wherein the first seat and the second seat.	
				when connected to the frame, are arranged in an	
				· 6	

	inline descending configuration substantially along	
	the plane of the frame	43
2.	Claims $2/3$ - wherein the second seat is connectable	
	above the two front wheels. wherein above the two front	
	wheels is substantially over the two front wheels	44
3.	Claim 4 - wherein the first seat is connected to the	
	stroller frame substantially over the two rear wheels so	
	that a center of gravity of the stroller is between the front	
	and rear wheels	45
4.	Claim 5 - wherein the seat attachments have connector	
	portions configured to connect to the right and left	
	support members	47
5.	Claim 6 - wherein the seat attachments have seat	
	attachment elements configured to releasably support the	
	second seat in either the forward or backward facing	
	position	48
6.	Claim 7 - wherein the right support member includes a	
	right attachment portion and the left support member	
	includes a left attachment portion, the right and left	
	attachment portions configured to support the connector	
	portions of the seat attachments	50
7.	Claim 8 - wherein the right and left attachment portions	
	define right and left slots configured to receive the	
	connector portions of the seat elements	52
8.	Claims 9 - wherein the right and left support members	
	include a pair of tubular structures	53
9.	Claim 10 - the frame further comprises a rear wheel	
	support portion and wherein the rear wheels are coupled	
	to the rear wheel support portion	54
10.	Claim 11 - wherein the rear wheel support portion is	
	attached to the left and right foldable members	55
11.	Claim 12 - The stroller of claim 11, wherein the rear	
	wheel support portion includes a pair of parallel support	
	members connected to the left and right foldable support	
	members.	55
12.	Claim 13 - further comprising a folding mechanism	
	dividing the left and right foldable members into upper	
	and lower portions, wherein the upper portion of the left	
	and right foldable members is adjacent the handle portion	

		and wherein the lower portion of the left and right	
		foldable members is adjacent to the front end portion	56
	13.	Claim 14 - wherein the front end portion is coupled to the	
		two front wheels	
	14.	Claim 15 - wherein the folding mechanism includes a	
	1 11	pair of spaced apart pivots connecting the lower portion	
		to the upper portion of the left and right foldable	
		members	58
B	Grou	nd $2 - Claims 1 - 15$ are obvious in view of Gotting and	
D.	Brita	v	59
	1	Claim 1	59
	1.	a [1.0]	59
		h $\begin{bmatrix} 1 & 0 \end{bmatrix}$	59
		$c = \begin{bmatrix} 1 & 2 \end{bmatrix}$	60
		d [1.4]	00
		u. [1.т] е [1.5a]	68
		f = [1.5a]	60
		1. [1.50] α [1.5c]	70
		b [1.5d]	70
		i [1.54]	71
	2	Claims 2/3	72
	2. 3	Claim 4	73
	э. Д	Claim 5	7 <i>5</i> 74
	т . 5	Claim 6	
	5. 6	Claim 7	70
	0. 7	Claim 8	 80
	7. 8	Claim 0	80
	0. Q	Claim 10	01
). 10	Claims 11/12	02
	10.	Claim 13	85
	11.	Claim 14	86
	12.	Claim 15	00
С	Grou	nd 3 – Claims 1-5 are obvious in view of Offord '341 and	07
C.	Offor	rd '797	88
	1	Claim 1	88
	1.	a [1.0]	88
		h [1 1] / [1 2]	80 80
		c [1.2]	00
		d [1.4]	93

		e. [1.5a]	99
		f. [1.5b] / [1.5c]10	00
		g. [1.5d]	03
		h. [1.5e]10	05
	2.	Claims 2/310	07
	3.	Claim 410	09
	4.	Claim 51	10
	5.	Claim 61	11
	6.	Claim 71	12
	7.	Claim 81	12
	8.	Claim 91	14
	9.	Claims 10/111	15
	10.	Claim 121	16
	11.	Claim 131	17
	12.	Claim 141	18
	13.	Claim 151	19
D.	Ratio	nale to Combine12	20
	1.	Gotting and Britax	20
	2.	Offord '341 and Offord '79712	22
XI. Secon	ndary C	Considerations12	23
XII. Conc	lusion.		23
Certificate	of Com	pliance Pursuant to 37 C.F.R. § 42.2412	25
Appendix A	A – Inde	ex of Challenged Claims1	27

TABLE OF AUTHORITIES

Cases

Google LLC v. AGIS Software Development, LLC, IPR2018-01082 (PTAB, Nov. 20, 2018)	13
Intel Corp. v. Qualcomm Inc., 21 E 4th 801 (Eed. Cir. 2021)	10
PowerOasis, Inc. v. T-Mobile USA, Inc.,	10
522 F. 3d 1299 (Fed. Cir. 2008)	13
Western Digital Corp. v. Spex Techs., Inc., IPR2018-00082 (PTAB Apr. 25, 2018)	11

Statutes

35 U.S.C.	§102	3, 21,	, 22,	24,	25, 2	7
35 U.S.C.	§112				3, 1	5
35 U.S.C.	§120				1	5
35 U.S.C.	§314				2	8
	8 ·					-

Rules

37 C.F.R. §1.48	8
37 C.F.R. §1.55	
37.C.F.R §1.78	
37 C.F.R. §42.104	

List of Exhibits

Exhibit	Description
EX1001	Declaration of Douglas Prairie
EX1002	U.S. Provisional Patent Application No. 61/119,920
EX1003	U.S. Publication No. 2010/0140902
EX1004	U.S. Patent No. 8,955,869
EX1005	U.S. Patent No. 9,403,550
EX1006	U.S. Provisional Patent Application No. 62/311,224
EX1007	U.S. Patent No. 9,944,305
EX1008	U.S. Patent No. 10,730,543
EX1009	U.S. Patent No. 11,192,568
EX1010	U.S. Patent No. 11,731,682
EX1011	U.S. Patent No. 11,577,771
EX1012	U.S. Patent No. 11,505,231
EX1013	U.S. Patent No. 11,878,729
EX1014	Non-certified File History of U.S. Patent Pub. No. 2010/0140902
EX1015	Non-certified File History of U.S. Patent No. 8,955,869
EX1016	Non-certified File History of U.S. Patent No. 9,403,550
EX1017	Non-certified File History of U.S. Patent No. 9,944,305
EX1018	Non-certified File History of U.S. Patent No. 10,730,543
EX1019	Certified File History of U.S. Patent No. 11,192,568

EX1020	Certified File History of U.S. Patent No. 11,731,682
EX1021	Certified File History of U.S. Patent No. 11,577,771
EX1022	Non-certified File History of U.S. Patent No. 11,505,231
EX1023	Non- certified File History of U.S. Patent No. 11,878,729
EX1024	Certified File History of U.S. Patent Application No. 18/448,417
EX1025	Sewell, Samuel J. "The History of Children's and Invalids' Carriages." <i>Journal of the Royal Society of Arts</i> , vol. 71, no. 3694, 1923, pp. 716–728
EX1026	U.S. Patent No. 405,600
EX1027	U.S. Patent No. 510,355
EX1028	Intentionally left blank
EX1029	U.S. Patent No. 4,191,397
EX1030	U.S. Patent No. 6,513,827
EX1031	Declaration of Hollie Schultz
EX1032	Declaration of Greg Allen
EX1033	U.S. Patent No. 7,641,216
EX1034	U.S. Patent No. 4,398,748
EX1035	U.S. Patent Pub. No. 2008/0238042
EX1036	Intentionally left blank
EX1037	U.S. Patent No. 6,086,087
EX1038	Kolcraft Contours Options Tandem Stroller Instruction Sheet, EXA to Affidavit of Christoper Butler
EX1039	French Patent 2,615,155 and Non-certified English Translation

EX1040	U.S. Patent No. 6,209,892		
EX1041	EP 0980810 and Certified Translation		
EX1042	U.S. Design Patent No. D514,036		
EX1043	Evenflo Take Me Too Manual – Double Stroller/Double Travel System (Oct. 2004)		
EX1044	U.S. Patent No. 6,045,145		
EX1045	U.S. Patent No. 5,794,951		
EX1046	Comparison of First Non-Provisional Specification and '305 CIP Specification		
EX1047	U.S. Patent No. 8,882,134		
EX1048	DE 29810646 and Certified Translation		
EX1049	Intentionally Left Blank		
EX1050	PCT/US2011/062669 Pub'd as WO 2012075157		
EX1051	U.S. Patent No. 8,672,341		
EX1052	Intentionally Left Blank		
EX1053	Intentionally Left Blank		
EX1054	WO 2008/040797		
EX1055	Baby Jogger, LLC's Opening Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB		
EX1056	Baby Jogger, LLC's Responsive Claim Construction Brief in Civil Action No. 1:24-cv-11582-ADB		
EX1057	EXC to Baby Jogger, LLC's Infringement Contentions in Civil Action No. 1:24-cv-11582-ADB		
EX1058	Merriam-Webster, Parallel, https://www.merriam-		

	webster.com/dictionary/parallel (last visited Feb. 21, 2025)
EX1059	McGraw-Hill Dictionary of Scientific and Technical Terms (6th ed. 2003), Definition of "parallel"
EX1060	Barron's Dictionary of Mathematics Terms (3d ed. 2009), Definition of "parallel"
EX1061	Baby Jogger, LLC's Second Amended Complaint in Civil Action No. 1:24-cv-00723-GBW

Mandatory Notices under 37 C.F.R. §42.8

Real Party-In-Interest - 37 C.F.R. §42.8(b)(1)

Evenflo Company, Inc. ("Petitioner") is the real party-in-interest.

Related Matters - 37 C.F.R. §42.8(b)(2)

Petitioner identifies the following related district court matters:

- 1. Baby Jogger, LLC v. Evenflo Company, Inc. 1-24-cv-00723 (DDE),
- 2. *Baby Jogger, LLC v. Baby Generation, Inc. d/b/a Mockingbird* 1-24cv-00725 (DDE); and
- 3. Baby Jogger, LLC v. Monahan Products LLC d/b/a UPPAbaby 1-24cv-11582 (DMA).

In each of the above identified matters, Baby Jogger LLC ("Patent Owner" or "PO") has asserted U.S.P.N. 11,192,568; 11,505,231; and 11,878,729.

In the *Evenflo* litigation alone, Patent Owner has additionally asserted: U.S.P.N. 11,577,771 ("the '771 Patent"; and 11,731,682. In the *Baby Generation/Monahan Products* litigations, Patent Owner has additionally asserted: U.S.P.N. 8,955,869; 9,403,550.

Petitioner identifies the following *inter partes* review ("IPR") petitions which are related:

- IPR2025-01100 regarding U.S.P.N. 11,192,568;
- IPR2025-01095 regarding U.S.P.N. 11,505,231;

- IPR2025-01120 regarding U.S.P.N. 11,878,729; and
- IPR2025-01122 regarding U.S.P.N. 11,731,682.

Additional IPR petitions pertaining to patents related to the '771 Patent may

be filed by Baby Generation, Inc., d/b/a Mockingbird, or Monahan Products LLC,

d/b/a/ Uppababy. Petitioner will supplement its mandatory notices pursuant to 37

§42.8(a)(3) once filed.

Petitioner identifies the following pending U.S. Patent Application:

 18/534,146, titled "Removable Seat Attachments for a Stroller," filed December 8, 2023.

Lead and Back-Up Counsel - 37 C.F.R. §42.8(b)(3)

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Service Information - 37 C.F.R. §42.8(b)(4)

Service information for lead and back-up counsel is provided in the designations above. Petitioner also consents to service by email at the following email address:

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Fees - 37 C.F.R. §42.15(a)

Filing fees associated with this Petition are being charged to Deposit Account 02-3978. The Board is authorized to charge any additional fees or credit any refunds pertaining to this Petition to Deposit Account 02-3978.

I. INTRODUCTION

Petitioner respectfully requests *inter partes* review ("IPR") of claims 1–15 ("Challenged Claims") of U.S. Patent No. 11,577,771 ("the '771 Patent"), purportedly assigned to Baby Jogger, LLC ("Patent Owner" or "PO"). Petitioner asserts the Challenged Claims are unpatentable on two independent bases.

First, the '771 Patent¹ is not entitled to a priority date before 2016 and is unpatentable in view of intervening prior art. As shown in the below chart, the '771 Patent claims the benefit of both a 2008 Provisional Application and a 2016 Provisional Application. (EX1010.)



As explained in §VIII.A, one basis for loss of priority is PO informed the Examiner it was "electing" to prosecute claims directed to the embodiment disclosed by Figures 8A-8H. (EX1018, 528.) Figures 8A-8H pertain to subject

¹ Petitioners use the nomenclature provided in red quotes shown by the chart.

matter first introduced in <u>the 2016 Provisional</u>. (See EX1046², 450; see also EX1006, 8–15.) PO's election confirms support for the '771 claims is based at least in part—if not entirely—on material having a priority date of 2016 or later.

Second, if the Board concludes the Challenged Claims are entitled to a pre-2016 priority date, Petitioner disputes patentability within Grounds 2-3 relying on new prior art pre-dating PO's 2008 priority claim.

II. STANDING REQUIREMENTS UNDER 37 C.F.R. §42.104

A. Standing – 37 C.F.R. §42.104(a)

Petitioner certifies the '771 Patent is available for IPR and Petitioner is not barred or estopped from requesting IPR of the Challenged Claims.

B. Challenged Claims – 37 C.F.R. §42.104(b)(1)

Petitioner requests IPR for claims 1-15 of the '771 Patent and requests the PTAB cancel those claims as being unpatentable.

C. Prior Art

This Petition relies on the following prior art:

² EX1046 is a redline comparison between the '305 CIP specification (EX1007) and the 2009 Non-Provisional specification (EX1003). Red underlined material indicates disclosure added to the '305 CIP specification.

Exhibit	t Reference Date		Section ³
EX1047	U.S.P.N. 8,882,134 ("Rolicki")	Filed : 03/14/2013 Issued : 11/11/2014	§102(a)(1)/(2)
EX1051	U.S.P.N. 8,672,341 ("Offord '341")	Foreign Priority : 10/10/2008 PCT Filed : 09/24/2009	§102(a)(2) ⁴
EX1054	WO 2008/040797 ("Offord '797")	Pub. : 04/10/2008	§102(a)(1)/a)(2)
EX1041	EP 090810 ("Gotting")	90810 ("Gotting") Pub. : 02/23/2000	
EX1048	DE 29810646 ("Britax")	Pub. : 10/22/1998	§102(a)(1) a)(2)

A continuation of Rolicki (U.S.P.N. 10,556,610) was cited but not relied upon during examination as PO indicated to the Patent Office all claims had priority back to 2008⁵.

Offord '341, Offord '797, Gotting, and Britax were not cited nor relied upon

⁴ A certified copy of priority application GB0818605 is included and provides 35 U.S.C. §112 support. (EX1028, 183-240.) A timely claim to the priority to GB0818605 was made designating one other State than the U.S. (EX1028, 311.)

⁵ See §VIII.A.1. supra.

³ The Leahy-Smith America Invents Act ("AIA") should apply. *See* §VIII.B. *supra*. If the Board concludes otherwise, pre-AIA provisions apply.

during examination.

D. Grounds of Challenge – 37 C.F.R. §42.104(b)(2)

This Petition, supported by the declaration of Douglas Prairie (EX1001), requests cancellation of the Challenged Claims pursuant to the following grounds:

Ground	Basis	Reference	Challenged Claims
1	§103	Rolicki	1-15
2	§103	Gotting and Britax	1-15
3	§103	Offord '341 and Offord '797	1-15

Ground 1 depends on finding that the '771 Patent claims are not entitled priority to its earliest effective filing date ("EFD")—December 4, 2008. *See* §VIII.A. *supra*. The prior art relied on for Grounds 2-3 pre-date the EFD and do not rely on a priority challenge. These grounds provide a reasonable likelihood that at least one Challenged Claim is unpatentable.

III. LEVEL OF ORDINARY SKILL

The '771 Patent is directed to children's strollers. A person of ordinary skill in the art ("POSITA") would have a bachelor's degree in a relevant field (*e.g.*, mechanical engineering or industrial design) and at least two years of product design experience and/or industry experience with juvenile products. (EX1001, ¶¶31-33.) More education can replace design experience, and vice versa. *Id*.

IV. STATE OF THE ART

By December 2008, a POSITA understood strollers included well-known features like folding mechanisms, rotatable seats, and/or detachable seats. (EX1001, ¶¶41-61.) A POSITA also understood common stroller configurations included single-seat or double-seat designs. (EX1001, ¶¶62-91.) Numerous commercial strollers were available on the market featuring these features in both removable single-seat and double-seat configurations. (EX1001, ¶¶90-95; EX1031, ¶¶11-74; EX1032, ¶¶7-36.)



EX1038, 15



EX1032, ¶¶22-25, p34; EX1032, ¶¶26-29, pp39-40

Case No.: IPR2025-01140 Patent No.: 11,577,771 Atty. Dkt. No.: GBBL0111IPR



EX1032, ¶¶14-17, p19



EX1031, ¶¶14-18



EX1031, ¶¶24-29

V. THE '771 PATENT

A. Overview and File History

The '771 Patent claims priority to a 2008 Provisional (red). The 2008 Provisional identified <u>only Mark Zehfuss</u> (EX1002, 16) as the inventor and disclosed two embodiments relating to a single-seat stroller convertible to a



double-seat stroller (EX1002, 36-38, 42-43; EX1001, ¶¶96-103.)

The 2016 Provisional lists <u>three new inventors</u>—Lee, Roe, and Simpson and <u>does not list Zehfuss</u>. (EX1006, 1; EX1001, ¶123.) The 2016 Provisional disclosed a new frame structure having "upper tube support frames" and a "handle portion" above them. (EX1006, 8,20; EX1001, ¶¶127-128.)

On August 1, 2016, the '305 CIP (blue) application was filed. (EX1007, Cover; EX1001, ¶132.) When filed, PO essentially rewrote the specification to incorporate (1) material disclosed by the 2016 Provisional, and (2) new material not previously disclosed in either the 2008 or 2016 Provisional. (EX1001, ¶¶133-145; EX1046.) The '305 CIP lists Lee, Roe, Simpson, and Zehfuss as inventors. (EX1007, Cover.)

As shown above, the three priority cases to which the '771 claims priority include all four inventors. When U.S. Application No. 17/876,492 (i.e., "the '771 Application") was filed the Application Data Sheet ("ADS") also <u>listed all four</u>

inventors.⁶ (EX1021, 4-5.)

In September 2022, the Examiner (following a telephonic interview) indicated the PO was electing Species F—"the embodiment of Fig. 8A-8H (stroller apparatus capable of being converted from a single seat stroller to a double seat stroller through the use of removable seat adapters[]." (EX1021, 241-242.) Just prior to confirming the election of "the embodiment of Fig. 8A-8H," PO filed 37 C.F.R. §1.48 inventorship correction. (EX1021, 411-412.) PO submitted an amended ADS <u>removing Lee, Roe, and Simpson as named inventors</u>. (EX1021, 418-419.)

In a November 2022 response, PO affirmatively elected "Species F (FIGS. 8A-8H) and claims 1-4 and 13-15 for examination." (EX1021, 450.) Oddly, PO's embodiment elected—i.e., Figs. 8A–8H—clearly pertains to subject matter that was introduced and added to the '305 CIP from the 2016 Provisional. (*See* EX1046, 15-19; EX1006, 5-12.) So it is unclear, based on PO's election, how the claims examined and issued do not include inventive subject matter attributable to Lee, Roe, or Simpson.

⁶ Although the PO filed and listed all <u>four</u> inventors on the ADS, PO did not certify any of the filed claims (claims 1-30) should be examined under post-AIA. (EX1021, 8.)

8

Inventorship issues aside, and as explained further in §VIII.A, the originally filed claims also recited:

foldable support members extending in a parallel, spaced relationship and <u>substantially within a single plane</u>⁷ and wherein the plane runs diagonally downwards from the handle portion towards the front end portion of the frame

(EX1021, 36, (Claim 1); EX1001, ¶160.)

The emphasized language was rejected by the Examiner because "[t]he term 'substantially' is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprise of the scope of the invention." (EX1021, 247-248; EX1001, ¶162.) In response, PO did not address the Examiner's rejection regarding the term "substantially." (EX1021, 451.) Instead, PO amended claim 1 as shown below. (EX1001, ¶¶163-164.)

⁷ The term "plane" is only found in the claims and is not in the written description. The term "plane" is also not found in any of the parent applications incorporated by reference.

a frame supported by the wheels the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a single plane and wherein the plane that runs diagonally downwards from the handle portion towards the front end portion of the frame;

EX1021, 445

Following this amendment, the Examiner did not follow-up on his rejection regarding the term "substantially" but instead found the claims allowable. (EX1021, 465-466; EX1001, ¶165.)

VI. LEVEL OF ORDINARY SKILL

The '771 Patent is directed to children's strollers. A POSITA would have had a bachelor's degree in a relevant field (*e.g.*, mechanical engineering or industrial design) and at least two years of product design experience and/or industry experience with juvenile products. (EX1001, ¶¶31-33.) More education can replace product design experience, and vice versa. *Id*.

VII. CLAIM CONSTRUCTION

Although there are several Section 112 issues with the Challenged Claims, none preclude the Board from evaluating validity based on the grounds asserted herein. *See Intel Corp. v. Qualcomm Inc.*, 21 F.4th 801, 813 (Fed. Cir. 2021).

This Petition applies constructions that PO has implicitly or explicitly applied in litigation and, in certain instances, alternative constructions. *See* EX1055, EX1056. Petitioner reserves the right to argue different constructions in other actions. *See Western Digital Corp. v. Spex Techs., Inc.*, IPR2018-00082, Paper 11, at *11-12 (PTAB Apr. 25, 2018). Except for the term below, no formal construction currently appears necessary.

A. "Handle Portion" (All claims)

During prosecution of the '543 Patent (to which the '771 Patent claims priority), the PO amended the specification and Figure 8A below to specify the handle portion (81*d* in pink) is coupled to the left and right upper tube support members (81*c* in red) extending toward the front end portion of the frame.⁸ (EX1018, 639.) The amendments regarding the "handle portion" were included in the issued '543 Patent. (EX1008, 9:1-7.)

⁸ While the specification was amended in the priority '543 Patent, the changes were not carried through into the specification of the '771 Patent. (*See* EX1008, 9:1-7; EX1018, 639.) But the reference numerals in Figure 8A remained. Due to the incorporation by reference of the '543 Patent, the textual description of 77a/77b and 78a/78b is included in the '771 Patent. (EX1011, 1:7-24.)





In district court litigation, PO argues the plain and ordinary meaning of "handle portion" as used in related patents means the "portion of [the] frame coupled to the left and right upper tube support frame." (EX1055, 14.) This is consistent with the PO's amendment during prosecution of the '543 Patent identifying the meets and bounds of the "handle portion."

This Petition applies PO's assertion and construes "handle portion" as meaning the "portion of frame coupled to the left and right upper tube support frame." Alternative interpretations are also applied, as explained below.

⁹ All annotations added unless otherwise stated.

VIII. PRIORITY AND AIA STATUS

A. The Challenged Claims are not entitled to an EFD prior to March 21, 2016

As explained in §V.A. *supra*, the '771 Patent is a continuation application claiming priority to the '305 CIP. (EX1011, 1:7-24.) The '305 CIP specification was rewritten to incorporate the disclosure of the 2016 Provisional and bears little resemblance to the originally filed 2009 Non-Provisional specification. (*See* EX1046.) The 2016 Provisional lists a new inventive entity (Lee, Roe, Simpson) that is different from the inventive entity of the 2008 Provisional and 2009 Non-Provisional (listing only Zehfuss). No challenge of priority was made by the Examiner during prosecution of the '771 Patent because the "PTO does not make such findings as a matter of course in prosecution" unless there is "an interference or rejection which would require the PTO to make a determination of priority." *PowerOasis, Inc. v. T-Mobile USA, Inc.*, 522 F. 3d 1299, 1305 (Fed. Cir. 2008).

Because Ground 1 introduces intervening prior art *and* the Examiner never addressed priority during prosecution, the "burden of production" shifts to PO who now "must ... show ... how the written description in the earlier application(s) support(s) the claim in order to rely on that earlier filing date." *Google LLC v. AGIS Software Development*, *LLC*, IPR2018-01082, Paper 10, 19 (PTAB, Nov. 20, 2018) (citation omitted). But, Petitioners doubt PO can satisfy its burden and

dispute that the '771 Patent claims are entitled to the claimed priority date of December 4, 2008 (or any other date before 2016) for reasons stated below.

1. PO Elected Subject Matter First Disclosed in 2016

During prosecution of the '771 Patent, PO identified four inventors:

1. Zehfuss, the *only* named inventor on the 2008 Provisional; and

2. Lee, Roe, and Simpson, the joint inventors for the 2016 Provisional.¹⁰

(EX1021, 4-5; see also EX1002, 11; EX1006, 1; EX1001, ¶¶96, 123.)

The Examiner issued a restriction requirement with nine embodiments identified as being "patentably distinct." (EX1021, 241.) In response, PO elected to prosecute claims directed to the <u>embodiment illustrated by Figures 8A-8H</u>. (EX1021, 450.) But the written description support pertaining to Figures 8A–8H originates from, and pertains to, subject matter disclosed <u>and claimed</u> by the inventors of the 2016 Provisional—*i.e.*, Lee, Roe, and Simpson. (*See* EX1046, 15-19; EX1006, 8-15, 20 [Claim 1]; EX1001, ¶¶127, 133, 141.) The elected embodiment was not disclosed in the pre-2016 applications from which only Mr. Zehfuss was an inventor.

Simply put, PO affirmatively elected an embodiment first disclosed in the 2016 Provisional which was then incorporated into the '305 CIP. PO was not in

¹⁰ Again, Mark Zehfuss *is not* a named inventor on the 2016 Provisional.

possession of this subject matter as it is not found in any pre-2016 priority application. PO's own election of an embodiment first disclosed in 2016 further confirms the '771 Patent claims are only supported under 35 U.S.C. §120 by subject matter first disclosed on March 21, 2016—*i.e.*, the filing of the 2016 Provisional.

2. Failure to Disclose

Notably, PO has never indicated, pursuant to 37 C.F.R. §§1.55 or 1.78¹¹, that the claims of the '771 Patent should be examined under the post-AIA. (EX1021, 8; *see also* EX1017, 51; EX1018, 21; EX1020, 49.) As a result, the '771 Patent and related applications in the family were improperly examined under pre-AIA law. Had PO properly disclosed that the '305 CIP (and its continuations) fall under the post-AIA, the Examiner would have applied post-AIA standards and may have challenged the asserted 2008 priority date during prosecution.

3. Multiple limitations recited in claim 1 are not supported before 2016

A POSITA would have found the issued claims of the '771 Patent included numerous limitations whose 35 U.S.C. §112 support was only provided by the 2016 Provisional.

¹¹ PO did not check the box on the ADS. (EX1021, 8.)

a. "substantially within a plane" / "substantially along the plane of the frame"

Claim 1 of the '771 Patent recites "foldable support members extending in a parallel spaced relationship and substantially within a plane that runs diagonally from the handle portion toward the front end portion." This language is unsupported by any pre-2016 specification—and even the 2016 '305 CIP fails to provide adequate written description. (EX1001, ¶¶196-212.) None of the pre-CIP patents mention "plane" or "planar," and their figures depict only a strictly planar frame (*e.g.*, frame 12 or 81), not one that is "substantially within a plane." (EX1001, ¶¶202-204, 208-210, 213.) For example, the 2009 Non-Provisional only depicts foldable frame members in a strictly planar relationship that "runs diagonally from the handle portion toward the front end portion."



EX1003, Figs. 1, 8

The post-CIP applications also lack support. (EX1001, ¶¶214-225.) The post-CIP applications also do not recite "plane" nor "planar," and their figures

continue to depict only a strictly planar frame—as shown below. (EX1001, ¶¶216-219, 222-225.) Although the 2016 Provisional added definitions for terms like "substantially parallel," it did not define or explain "substantially within a plane." (EX1006, 7-8; EX1001, ¶131.)



EX1007, Figs. 1, 8A; EX1001, ¶¶226-227

Because no priority application supports this claim limitation, claim 1 should be accorded the '771 Patent's filing date of July 28, 2022. (EX1001, ¶¶232-233.)

b. "Handle Portion"

The pre-2016 specifications describe the stroller frame as comprising: (1) a front wheel support portion 81a, (2) a back wheel support portion 81b, and (3) a handle portion 81c. (EX1003, ¶0043.) The folding mechanism 81d (yellow) connects the front wheel support portion (blue) to the handle portion (red), indicating to a POSITA that the handle portion includes the entire section above the folding joint. (EX1001, ¶¶184-186.) Notably, the pre-2016 disclosures do not

mention an "upper tube support frame," nor do they describe a handle portion positioned above such a structure.



EX1003, Fig. 8

The 2016 Provisional redefined the frame to include: (1) front wheel support frames 11a, (2) back wheel support frames 11b, (3) upper tube support frames 11c, and (4) *a handle portion 11d coupled to the ends of the upper tube support frames.* (EX1006, 8; EX1001, ¶187.) This revised structural configuration was incorporated into the '305 CIP and the '771 Patent. (EX1007, 9:1-22; EX1010, 8:64-9:17.) During prosecution of the '543 Patent (from which the '771 claims priority), PO amended the figures and specification (shown below) to further clarify the structure and start/end locations of the recited "handle portion." (EX1008, 9:1-7; EX1018, 636, 639; EX1001, ¶¶146-150.)



[A] handle portion 81d having a first end 77*a* coupled to the end $79a^{12}$ of the left upper tube support frame 81c and <u>a</u> distal second end 77*b* ... coupled to the end 79*b* of the right upper tube support frame 81c...

EX1008, Fig. 8A, 9:1-7

The revision did not occur in a vacuum. Instead, the structure of the stroller frame was changed because the '305 CIP (based on support found only in the 2016 Provisional) identified a new, and previously undisclosed, stroller frame design:

- The "left upper tube support frame 81c, <u>handle [portion] 81d</u>, and right upper tube support frame 81c can be made from a single unitary piece of material, such as a <u>single piece of bent, hollow-core metal or plastic tubing</u>;" <u>or</u>
- The "left upper tube support frame 81c, <u>handle [portion] 81d</u>, and right upper tube support frame 81c can be <u>separate pieces</u> of the same or different material <u>that are coupled to one another</u>."

¹² There is a mismatch between the drawings and text, 78a/78b vs. 79a/79b.

(EX1007, 9:1-22; see also EX1006, 8.)

The changes and disclosure regarding those changes are now included in the claims or the '771 Patent. For instance, claim 13 requires the stroller include a "folding mechanism dividing the left and right foldable members into <u>upper and</u> <u>lower portions</u>," with the right/left "upper portion" being "adjacent the handle portion." (EX1011, 18:33-38 [Claim 13].) This configuration does not exist in the pre-2016 design, where the handle connects directly to the folding mechanism and no "upper portion" exists. (EX1001, ¶¶240-241.)

To be clear, Petitioner is not suggesting the limitations of claim 13 be read into independent claim 1. Instead, Petitioner is stating independent claim 1 "must be broad enough to encompass at least one embodiment covered by a dependent claim." *Littelfuse, Inc. v. Mersen USA EP Corp.*, 29 F.4th 1376, 1380 (Fed. Cir. 2022). The term "handle portion" recited by independent claim 1 must therefore be broad enough to cover the embodiment recited by dependent claim 13 or that "dependent claim[] would have no scope and thus [would be] meaningless." *Id*.

Without the post-2016 definition of the term "handle portion," the dependent claims of the '771 Patent are unsupported. Priority for the claimed subject matter of the '771 Patent is only supported by the post-2016 applications.

B. The '771 Patent Is Subject to the AIA

The '771 Patent is a "transition application" because it was filed after March

20

16, 2013 and claims priority to pre-AIA applications. (MPEP, §2159.04). A transition application is subject to AIA law if it or any application to which it claims priority has, or ever had, at least one claim with an EFD on or after March 16, 2013. *Id.*, § 2159.02.

As discussed, §VIII.A. *supra*, the EFD of the Challenged Claims is after March 16, 2013. Additionally, the '771 Patent claims priority to the '305 CIP, '543 Patent, and '682 Patent—all of which list inventors Lee, Roe, and Simpson as named inventors. (EX1007, EX1008, EX1010; EX1001, ¶¶97, 123, 234, 235.) These are the inventors of the subject matter disclosed in the 2016 Provisional. (EX1006, 1; EX1001, ¶97.) By adding these new inventors <u>three times</u>, PO admits post-2013 matter has been previously claimed. Therefore, the '771 Patent should be subject to AIA law. Regardless, claim 1 of the '305 CIP is directed to an "adapter receiving cavity" and a "door." (EX1007, Claim 1.) The earliest potential support for these claim limitations is the 2016 Provisional. (*See* EX1006, 14-15.)

IX. Prior Art Overview

A. Rolicki

Rolicki was filed on March 14, 2013, published on July 10, 2014, and issued on November 11, 2014. (EX1047, Cover.) Rolicki is prior art under §102(a)(1)-(2) if the '771 Patent claims are not supported by the 2009 Non-Provisional.

Rolicki's stroller includes upper/lower frame members "204/206" that can

21

be rotated between a folded and unfolded configuration. (EX1047, 5:35-6:28; EX1001, ¶258.) The stroller includes "seat mounts 108" for removably coupling an upper "seat 106" and lower "seat 106." (EX1047, 3:49-64; EX1001, ¶258.) The "seat mounts" can be permanently or removably coupled to either "housings 230/902" or the "stroller frame 102." (EX1047, 3:53-58, 13:1-9; EX1001, ¶258.)



B. Gotting

Gotting published on February 23, 2000. (EX1041, Cover.) Gotting is prior art under §102(a)(1)-(2).

Gotting discloses a stroller for twins or siblings with a frame having a push bar, front and rear wheels, and two removable seats attached. (EX1041, ¶0001; EX1041, ¶248.) The seats 10, 11 are attached directly or indirectly to the frame 13 at different heights, creating overlap of the seats. (EX1041, ¶¶0005, 0008, 0013; EX1001, ¶248.) Gotting also discloses that the stroller can be used for one child
and that a single seat can be attached. (EX1041, ¶¶0007-0008; claim 10; EX1001, ¶248.) The stroller frame is foldable. (EX1041, ¶0011; EX1001, ¶248.)



EX1041, Fig. 1

Gotting discloses use two optional adapters 12 attached to the frame 13 to which the seats 10, 11 can be mounted. (EX1041, ¶0011; EX1001, ¶249.) The adapters are designed to allow for seats to be mounted in two positions. (EX1041, ¶0007; EX1001, ¶249.) The adapters 12 of Gotting can be reversed allowing for the seat 11 that is further from the push bar 14 to be lower that the seat closer to it. (EX1041, ¶0014; EX1001, ¶249.)



EX1041, Fig. 2

C. Britax

Britax is a German Patent Publication that published on October 22, 1998. (EX1048, Cover Page.) Britax is prior art under §102(a)(1)-(2).

Britax discloses a folding chassis designed for a stroller including a Ushaped handlebar 10, with ends connected to front arms 12 at a pin joint 14. (EX1048, 3:5-7; EX1001, ¶252.) Each front arm is connected to a corresponding rear arm 16 by a center pin 24. (EX1048, 3:7-8; EX1001, ¶252.) The lower ends of the four arms 12, 16 each have a pair of front wheels 30 and a pair of rear wheels 32. (EX1048, 3:10-12; EX1001, ¶252.)



EX1048, Britax, Fig. 1

D. Offord '341

Offord '341 claims foreign priority to a British patent filed on October 10, 2008 and is prior art under 35 U.S.C. §102(a)(2).

Offord '341 is a later iteration to his previous work (Offord '797) and teaches a simpler version of the "interface portion 10" disclosed in Offord '797. Instead of a rectangular "interface portion," Offord '341 discloses two "interface portion component 100" arms (green below) that operate in a very similar manner for converting a single-seat stroller to a double-seat stroller configuration.



EX1051, Figs. 14-15

Offord '341 discloses a pair of lower and upper "connector sockets 106" (light green) which again are designed to receive infant seats. (EX1001, ¶504.) The "connecting leg 102" fits within the "receptor cups 34" of the original stroller to receive the "interface connections 100." Once installed on the stroller, Offord '341 can be configured so one infant seat is raised higher than the other infant seat. While only one configuration is shown, Offord '341 expressly directs and informs the reader "[a] *similar sub-frame arrangement is disclosed in WO*

2008/040797"—i.e., Offord '797.¹³ (EX1051, 9:35-36.)

E. Offord '797

Offord '797 published on April 10, 2008 and qualifies as prior art under 102(a)(1)-(2).

Offord '797 teaches a similar sub-frame assembly as Offord '341 for providing a "single and dual occupancy configurations *by the addition of the interface portion.*" (EX1054, 1:33-2:2.) The "interface portion 10" (green below) has "sockets 15" (light green) for receiving two removable infant seats. (EX1054, 3:33-4:4.) The "interface portion 10" can be "turned through 180° about its central vertical axis" to reverse the orientation (and height) of the front and back seats. (EX1054, 4:24-30.) The rotation of the "interface portion 10" (and rotation of the seats) is shown when reviewing Figures 1 (where the front seat is vertically lower than the rear seat) and Figure 2 (where the front seat is vertically higher than the rear seat).

¹³ It would have been obvious to combine Offord '341 with Offord '797. *See* §X.D.Z.



EX1054, Figs. 2-3

X. Unpatentability Grounds

The references below render the claimed subject matter unpatentable and Petitioners have a reasonable likelihood of prevailing as to each of the following grounds. 35 U.S.C. §314(a); 37 C.F.R. §42.104(b)(4).

A. Ground 1 - Claims 1-15 are obvious in view of Rolicki

- 1. Claim 1^{14}
 - a. [1.0] A stroller convertible from a single seat configuration to a double seat configuration without increasing its footprint

The preamble is not limiting. To the extent that is, Rolicki discloses it.

¹⁴ See Appendix A for list of the Challenged Claims as referenced in Grounds 1-3.

Case No.: IPR2025-01140 Patent No.: 11,577,771

Rolicki discloses a stroller convertible from single to double seat configurations without increasing its footprint. (EX1047, 1:13-14, 3:49-50, 3:51-61, 13:10-20, Figs. 1 and 11; EX1001, ¶284-288.)



EX1047, Figs. 1, 11

b. [1.1] / [1.2] - two rear wheels; only two front wheels;

As shown below Rolicki discloses at least "two rear wheels" and "only two

front wheels." (EX1047 3:65-4:1, Fig. 1; EX1001, ¶289-291.)

Case No.: IPR2025-01140 Patent No.: 11,577,771



EX1047, Fig. 1

c. [1.3] - a frame supported by the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame;

Rolicki discloses a "frame 102" supported by front and rear wheels.

(EX1047, 3:65-4:1, Fig. 2; EX1001, ¶292.)



EX1047, Figs. 2-3

Rolicki discloses a "handle portion" (pink), formed by the frame segment labeled "122." (EX1047, Figs. 1-3, 5:5-8; EX1001, ¶293.) Rolicki discloses "left and right foldable support members" comprised of "upper frame supports 206" (red), "lower frame supports 204" (light blue), and pivot joints 210a/210b that pivotally connect the upper/lower supports 204/206. (EX1047, 5:47-50, 5:56-6:28, 12:22-30; EX1001, ¶¶294-295.) The "upper frame supports 206" extend from the "handle portion" toward the front end of the frame. (*Id*.)



EX1047, Fig. 1

The pivot joints 210 allow the upper (206, red) and lower (204, light blue) frame supports of the "foldable support members" to fold relative to each other collapsing the stroller into a folded configuration. (EX1047, 5:56-6:28, 12:22-30, Figs. 7-8; EX1001, ¶¶294-295.)



EX1047, Figs. 7-8

Rolicki discloses the "foldable support members" extending *towards* the front portion in a "parallel spaced relationship" substantially within a plane. (EX1047, 5:35-46, 6:29-40; Figs. 1, 9A, 18; EX1001, ¶¶296-297.) The claim is unclear whether the foldable support members must extend in this relationship all the way to the front portion of the frame. (EX1001, ¶297.) If not, Rolicki clearly meets this limitation. (EX1047, Fig. 18; EX1001, ¶297.)

Case No.: IPR2025-01140 Patent No.: 11,577,771



EX1047, Figs. 2-3





However, even if the parallel, substantially in a plane relationship is required all the way to the front portion of the frame, Rolicki would also meet this claim. (EX1047, Fig. 18; EX1001 ¶298.) Rolicki discloses that the front wheels can be adjusted to be aligned with the rear wheels, which would result in the foldable support members extending in a parallel, spaced relationship and substantially within a plane all the way to the front end portion of the frame. (EX1047, 16:2-14; EX1001, ¶¶298-299.)

301. Rolicki further discloses the "foldable support members" extend "substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame." (EX1047, Figs. 2-3, 6:29-40; EX1001, ¶¶300-303.)



EX1047, Figs. 2-3

d. [1.4] - a first seat releasably connected to the frame at a first vertical position that is closer to the handle portion than the front end portion, the first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration;

Rolicki discloses "a first seat releasably connected to the frame at a vertical position that is closer to the handle than the front end portion." (EX1047, 3:53-64; EX1001, ¶¶304-313.) Rolicki shows an upper seat ("first seat") that is removably mounted to the frame at a vertical position (V1) on the upper frame supports (206). (EX1047, 3:53-61, Fig. 2; EX1001, ¶305.) As shown below, this first vertical position (V1) is located closer to the "handle portion" (pink) than the "front end portion" (*i.e.*, D1<D2). (EX1047, Fig. 2; EX1001, ¶306-309.) Moreover, the position of the upper-seat connection is adjustable along the "frame 102." (EX1047, Fig. 6:61-64; EX1001, ¶310.)



EX1047, Fig. 2

This claim requires the first seat connect in "either the forward or backward facing position," not that it be reversible. Since Rolicki Fig. 2 discloses the seat attached in the forward position, this limitation is met. (EX1001, ¶311.) incorporates by Notwithstanding, Rolicki reference, in its entirety, PCT/US2011/062669 published as WO 2012075157 (EX1050), which discloses a similar seat connector and the seats connected in both the rear facing position and front facing position. (EX1050, Fig. 9; EX1001, 312.) Indeed, strollers with connectors that permitted the seat positions to be reversed were well known to a POSITA at the time of the invention. Id.



EX1050, Fig. 9

e. [1.5a] - wherein the frame receives an optional second seat assembly to form the double seat configuration, the second seat assembly comprising:

Rolicki discloses "seat mounts 108" used to connect the "seats 106" to the "frame 102." (EX1047, 3:51-58, 13:1-9; EX1001, ¶314.) The lower seat 106 and the left and right lower seat mounts 108 (gold) disclose "an optional second seat assembly" that "forms the double seat configuration." (EX1047, 3:51-61, Figs. 2-3, Fig. 10; EX1001, ¶315.)



EX1047, Fig. 2





EX1047, Fig. 10

The lower "seat mounts 108" (gold) are receivable in "openings 1002" of the "frame 102." (EX1047, 13:1-9.) Therefore, the "frame 102" "receives" the optional

seat assembly. (EX1002, ¶316.)

f. [1.5b] / [1.5c] - right and left seat attachments disposed along the right and left support members of the frame, respectively, at a second vertical position that is lower than the first vertical position, and wherein the second vertical position is closer to the front end portion than the handle portion; and

The lower left and right lower "seat mounts 108" (gold) disclose "right and left seat attachments" that attach the lower seat 106 ("second seat 106") to the "foldable support members." (EX1047, 3:49-64, Figs. 2-3; EX1001, ¶318.) Rolicki discloses the "seat attachments" (gold) are connected to, and disposed along, the left and right "foldable support members" at a second vertical position (V2), that is lower than the first vertical position (V1) identified in claim [1.4]. (EX1047, 3:61-64, 13:1-9; Figs. 2-3, EX1001, ¶¶319-321.)



EX1047, Fig. 2-3

Rolicki further discloses that this second vertical position is closer to the "front end portion" of the "frame 102" than the "handle portion," *i.e.*, D4<D3. (EX1047, Figs. 2-3, EX1001, ¶322.)



EX1047, Figs. 2-3

g. [1.5d] - a second seat connectable to the right and left seat attachments in either a forward or backward facing position;

The lower seat 106 discloses the "second seat" as discussed above in claim limitation [1.5a]. (EX1001, ¶¶314-315.) The "second seat" is removably connected, i.e., "connectable," to the lower seat mounts 108 ("seat attachments") by "interfaces." (EX1047, 3:53-61; EX1001, ¶324.)

Like claim [1.4], this claim requires "a second seat connectable to the right and left seat attachments *in either a forward or backward facing position*." Rolicki discloses the "second seat" being connectable in the "forward facing position." This satisfies the claim by meeting one of the required alternatives. (EX1047, Figs. 2-4; EX1001, ¶¶304-313, 324.)



EX1047, Fig. 2

Moreover, Rolicki incorporates by reference PCT/US2011/062669

(EX1050), which discloses a second seat connectable in the rear facing configuration. See claim [1.4] above. (EX1001, ¶¶304-313, 325.)

 h. [1.5e] - wherein the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration substantially along the plane of the frame.

As shown below, Rolicki shows "the first and second seat 106 when connected to the frame 102 are arranged in an inline and descending configuration substantially along the plane of the frame." (EX1047, Fig. 2; EX1001, ¶327.) Below left shows show the seats being along the plane of the frame (red); below right shows a line extending the seat bottoms that is "substantially along the plane of the frame. (EX1001, ¶328.)



EX1047, Fig. 2

Moreover, Rolicki is a better match to the claim limitation than the elected embodiment of the '771 patent, where a plane (blue line) through the seat bottoms is not even remotely along a plane of the frame (purple line) and where only the foot-bar of the lower seat intersects the plane (purple line). (EX1001, ¶329.)





2. Claims 2/3 - wherein the second seat is connectable above the two front wheels. wherein above the two front wheels is substantially over the two front wheels.

Rolicki discloses the second seat is connectable to the frame at both above and substantially over the two front wheels. (EX1047, Figs. 2-3; EX1001, ¶¶332-

Case No.: IPR2025-01140 Patent No.: 11,577,771

333.)



EX1047, Figs. 2-3

3. Claim 4 - wherein the first seat is connected to the stroller frame substantially over the two rear wheels so that a center of gravity of the stroller is between the front and rear wheels.

A POSITA could consider Rolicki's four wheels (114 and 118) as being four rear wheels. (EX1047, 3:65-4:1; EX1001, ¶289.) Figure 2 shows the upper "first seat" connected substantially over at least two of these rear wheels (*i.e.*, 118). (EX1047, Fig. 2; EX1001, ¶¶334-335.)



FIG. 2

EX1047, Fig. 2

As shown below, Rolicki further discloses that the first seat can be connected over the other two rear wheels (114) by adjusting the first seat higher along the support member towards the handle. (EX1047, 3:61-64, EX1001, ¶335.) Case No.: IPR2025-01140 Patent No.: 11,577,771



EX1047, Fig. 3 (Modified)

In either case, the center of gravity of the stroller is between the front and rear wheels, as both seats are between the front and rear-most wheels, and Rolicki has a large central mass in the form of the intermediate rear wheels 118. (EX1047, 4:15-19; EX1001, ¶336.)

4. Claim 5 - wherein the seat attachments have connector portions configured to connect to the right and left support members.

Rolicki discloses that the "seat attachments" ("seat mounts 108" (gold)) each have a lower portion ("connector portion") that connects to the right and left "foldable support members" either directly or via a "connector [or housing] 902". (EX1047, 3:51-64, 12:48-67, 13:1-9, Fig. 10; EX1001, ¶¶314-317, 338-339.)



FIG. 10

EX1047, Fig. 10

The "connector portions" have "locks/latches" to secure the "seat attachments" (gold) in the "pockets 1002." (EX1047, 13:1-9; EX1001, ¶339.) The "pockets 1002" are disclosed as being of the lower support frames 204 (blue) or a "connector 902" directly attached to the frames 204. (EX1047, 13:1-9, Fig. 10; EX1001, ¶340.) Therefore, the "connector portions" of the "seat mounts 108" are "configured to connect to the right and left foldable support members." (EX1001, ¶341.)

5. Claim 6 - wherein the seat attachments have seat attachment elements configured to releasably support the second seat in either the forward or backward facing position.

Rolicki discloses each "seat attachment" ("seat mount 108") has an

"interface (e.g., a latch or connector)" used to attach and releasably support the "seats 106" to the "seat mounts 108." (EX1047, 3:53-61; Fig. 10; EX1001, ¶344.) The "interfaces" disclose "seat attachment elements." (EX1001, ¶345.)



FIG. 10

EX1047, Fig. 10

This claim requires the seat "releasably support" in "either the forward or backward facing position," not that it be reversible. (EX1001, ¶346.) Since Rolicki's Figure 1 discloses the seat attached in the forward position, this limitation is met. (*Id.*) Notwithstanding, Rolicki discloses the "second seat" being in both the forward and backward facing position through the incorporation of PCT/US2011/062669 (EX1050), as discussed in claim limitation [1.5d]. (*Id.*, ¶¶324-326, 347.)

6. Claim 7 - wherein the right support member includes a right attachment portion and the left support member includes a left attachment portion, the right and left attachment portions configured to support the connector portions of the seat attachments.

Rolicki discloses that the right and left "foldable support members" of the frame each include an "opening 1002" ("attachment portion" (green)). The "openings 1002" may be part of the "foldable support members" or defined by a "connector 902," which is part of the "foldable support members." (EX1047, Fig. 10, 13:1-9; EX1001, ¶314-317, 338-343, 349-353.)



FIG. 10

EX1047, Fig. 10





EX1047, Fig. 10



EX1047, Fig. 11

7. Claim 8 - wherein the right and left attachment portions define right and left slots configured to receive the connector portions of the seat elements.

Rolicki discloses "openings 1002" in the right and left "attachment portions" that receive the "connector portions" of the "seat mounts 108" ("seat attachments"). (See claim 7.) (EX1047, 13:1-9, EX1001, ¶¶349-354.) Although Rolicki does not expressly state that these "opening 1002" are slots, a POSITA would understand they are slots from Rolicki's disclosure. The "seat mounts 108" in Rolicki are shown as having a rectangular cross section and thus, a POSITA would understand that the corresponding opening for the seat mount would be a rectangular slot. (EX1047, Figs. 9-10; EX1001, ¶¶354-355.) Moreover, to the extent the openings 1002 are not technically "slots," a POSITA would understand the shape of the opening is a mere design choice. Indeed, the cross-sectional shape of the seat mounts 108 and corresponding openings could be many different shapes and still function as disclosed by Rolicki. (EX1001, ¶356.)





EX1047, Fig. 11

8. Claims 9 - wherein the right and left support members include a pair of tubular structures.

The frame supports 204/206 of the frame assemblies 202a, 202b are "a pair of" elongate structures. (EX1047, 5:47-55, Figs. 2-3; EX1001, ¶358.) Rolicki does not specify if the frame supports 204/206 are hollow or solid. But, Rolicki discloses the "handle 122" is formed of a tube. (EX1047, 5:43-46.) A POSITA would have understood that the frame supports 204/206 would have the same construction as the "handle 122." (EX1001, ¶359.)

Moreover, it would have been an obvious design choice for the frame supports 204/206 to be tubes just like the "handle 122." Indeed, tubes were and have been almost exclusively used to form stroller frames for decades. For example, Figure 3 of Britax (EX1048) shows hollow tubes 12 and 10 of the foldable support members.) (EX1001, ¶359.) This is because tubes are lighter and cheaper than a solid rod. Therefore, a POSITA would have found it obvious for the frame supports 204/206 to be tubes. (EX1001, ¶360.)

9. Claim 10 - the frame further comprises a rear wheel support portion and wherein the rear wheels are coupled to the rear wheel support portion.

As shown below, Rolicki discloses a frame comprising an "intermediate frame support 208" and "carriage 240" (brown), which is coupled to and supports the rear wheels 114. A POSITA would understand this is the "rear wheel support portion" as claimed. (EX1047, 5:47-50, 7:25-30, Figs. 2-3; EX1001, ¶362-364.)



EX1047, Fig. 2

10. Claim 11 - wherein the rear wheel support portion is attached to the left and right foldable members.

The "intermediate frame supports 208" of the "rear wheel support portion" (brown) are attached to the "pivot joints 210a/210b," which are part of the left and right "foldable support members" as discussed in claim 1. (EX1047, 5:56-6:02, 5:47-50, Figs. 2-4; EX1001, ¶¶292-303, 366-367.)



EX1047, Figs 2 and 3

11. Claim 12 - The stroller of claim 11, wherein the rear wheel support portion includes a pair of parallel support members connected to the left and right foldable support members.

As discussed in claim 11, the "frame supports 208" are connected to the right and left "foldable support members." (EX1047, 5:56-6:02; EX1001, ¶¶366-368.)

Rolicki further explains that the first and second side frame assemblies (202a, 202b), which include the rear wheel support portions, are substantially similar or identical in structure and arranged symmetrically. (EX1047, 5:40-43.) The "intermediate frame support 208" is part of the assemblies 202a/202b. (EX1047, 5:47-60.) Thus, the right "support 208" would be "substantially similar or identical and ... symmetrical" to left "support 208." (EX1001, ¶369.) The "frame supports 208" also have a linear profile. (EX1047, 5:50-52; EX1001, ¶370.)

Therefore, the left and right "frame supports 208" ("rear wheel support portions") are "parallel" as shown below. (EX1001, ¶370.)



EX1047, Figs. 2-3

12. Claim 13 - further comprising a folding mechanism dividing the left and right foldable members into upper and lower portions, wherein the upper portion of the left and right foldable members is adjacent the handle portion and wherein the lower portion of the

left and right foldable members is adjacent to the front end portion.

See [1.3] above. (EX1001, ¶¶292-303.)

The "folding mechanisms" ("pivot joints 210") divide the "upper portions"

(red) and the "lower portions" (light blue). (EX1047, Figs. 2-3; EX1001, ¶372.)



EX1047, Figs. 2-3

As shown, each of the "lower portions" is adjacent to the front end portion and each of the "upper portions" are adjacent to the handle portion (pink). (EX1001, ¶373.)

13. Claim 14 - wherein the front end portion is coupled to the two front wheels.

Rolicki discloses that the "front end portion" is coupled to the two front wheels, which are located at the very front of the stroller. (EX1047, 7:4-8, Figs. 1-

Atty. Dkt. No.: GBBL0111IPR

Case No.: IPR2025-01140 Patent No.: 11,577,771

2; EX1001, ¶¶375-376.)



EX1047, Fig. 1

14. Claim 15 - wherein the folding mechanism includes a pair of spaced apart pivots connecting the lower portion to the upper portion of the left and right foldable members.

See claim limitations [1.3 and 13]. (EX1001, ¶¶292-303, 378.) Rolicki discloses that each side frame assembly 202a, 202b includes a "pivot joint" 210a/210b ("folding mechanism"). (EX1047, 6:9-21.) Because each side has a "pivot joint," they are spaced apart. Each "pivot joint" includes "hubs 212a/212b" ("pivots"). (EX1047, 6:2-8; EX1001, ¶¶378-379.)
B. Ground 2 – Claims 1–15 are obvious in view of Gotting and Britax

- 1. Claim 1
 - a. [1.0]

The preamble is not limiting. Notwithstanding, Gotting discloses a stroller that is convertible from a single seat configuration to a double seat configuration without a change in footprint. (EX1041, ¶0001, ¶0008, ¶¶0011-0013, Fig. 1; EX1001, ¶¶381-385.)

b. [1.1]/[1.2]

Gotting discloses plural "wheels," thus discloses at least two front wheels and two rear wheels. (EX1041, ¶0001, ¶0011, Fig. 1, EX1001, ¶¶386-388.)



EX1041, Fig. 1

Gotting does not include a front view definitively showing "only two front wheels." A POSITA, however, would have found it obvious, and a mere design choice, to utilize only "two front wheels" with the stroller, like many strollers of this time. (EX1051, Fig.1; EX1001, ¶390.) In fact, Gotting discloses a single front axle for the wheels and a basket 19 that is mounted across the axle. (EX1041, ¶0011). It would have been an obvious design choice to use a single front wheel on each end of the front axle. (EX1031, Hollie Schultz Dec., EX10–*The Baby Gizmo Buying Guide*, 291; EX1001, ¶387.)

c. [1.3]

Gotting discloses a "frame 13" supported by the front and rear wheels 17 and 18. (EX1041, Abstract, ¶0011; EX1001, ¶¶389-392.)

As discussed in §VII.A., "handle portion" means "the portion of frame coupled to the upper ends of the left and right upper tube support frames." (EX1001, ¶¶170-178.) Gotting discloses that the "frame 13" comprises a handle portion ("U-shaped push bar 14"), shown below in pink. (EX1041, ¶0011, Fig. 1; EX1001, ¶¶393-395.) The U-shaped handle portion (pink) has a first end coupled to the right upper tube support (red) at a joint and has a second end coupled to the left upper tube support (red) at another joint. ¹⁵ (EX1001, ¶¶393-396.)

¹⁵ Gotting is symmetrical and thus, has an identical support frame on both



EX1041, Fig. 1

Gotting also discloses that the "support members" are foldable. (EX1001, ¶¶397-398.) Each pair of Gotting's upper tube (red) and lower tube (blue) form a "foldable support member." (*Id*.) It is clear the frame is foldable because the upper tube supports are connected to the lower tube supports by hinges ("pivot pins"), which Gotting states, permit them to be "folded up in the conventional manner."

sides. (EX1001, ¶392.) This is evidenced from Gotting's disclosure of the push bar 14 being U-shaped and by the left side of the stroller completely blocking the right side in the side view of Figure 1. (EX1001, ¶396.)

(EX1041, ¶0011; Fig. 1; EX1001, ¶398-399.)

Indeed, this conventional folding was explained in Britax (EX1048). Gotting and Britax have the same Applicant, Britax-Teutonia Kinderwagenfabrik GmbH, and both illustrate the same frame structure and folding mechanism. (EX1001, ¶¶399-400.) The "conventional manner" of folding for the "frame 13" was to fold the "push bar 14" and upper tubes (red) over top of the lower tubes (blue) about the pivot pin of the hinge. (*Id.*)



EX1041, Fig. 1; EX1048, Fig. 1

Britax discloses this conventional folding mechanism, describing a "U-shaped handlebar 10" pivotally connected to "front arms 12" by "pin joints 14," about which the "handlebar 10 folds."¹⁶ (EX1048, 1:4-12, 3:5-7; EX1001,

¹⁶ It would have been obvious to combine Gotting and Britax. See §X.D.1.

¶400.)

Gotting also discloses "foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame." (EX1001, ¶¶401-405.)

As shown below, the left ("first") foldable support member extends substantially in a plane (black arrow) that runs diagonally from the handle portion (pink) towards the "front end portion" of the frame. (EX1001, ¶402.)



EX1041, Fig. 1

The "right foldable support member" (hidden by the left) also extends from the "handle portion" (pink) and is positioned directly behind the left foldable support member. (EX1001, ¶403.) As made clear by the disclosure of "U-shaped bar 14," the "left and right foldable support members" extend in a parallel spaced relationship in the same diagonal plane that extends from the "handle portion towards the front end portion." (*Id.*)

Given the term "substantially within the plane," is not disclosed, Petitioner is challenging the claim as PO asserted. (EX1001, ¶¶404-405.) Specifically, PO has alleged that a stroller having offset upper and lower tubes (even more offset than Gotting) infringes claim 1. (EX1061, ¶¶55-56, 135, 135-146; EX1001, ¶406.) The Accused Stroller shown below includes an upper tube and a lower tube in *two different planes*. (EX1001, ¶409.)



EX1061, 43 (Original Annotations in Red, Annotated in Text Box)

Thus, PO believes, and has affirmatively asserted in federal district court,

that "substantially in a plane" covers a foldable support member with the upper portion extending in a first plane and a lower portion extending in a second plane. (EX1001, ¶¶406-411.) Therefore, under PO's reading of claim 1, Gotting discloses limitation [1.3]. (EX1001, ¶¶412-413.)



EX1041, Fig. 1; EX1061, ¶139

Moreover, it would have been an obvious design choice to utilize a folding mechanism that resulted in the upper and lower tubes substantially within a plane by coupling them end-to-end. *See* EX1031, ¶¶14, 18. (EX1001, ¶¶48, 414.)

d. [1.4]

Gotting's stroller can support two seats (10 and 11) at different heights. (EX1041, [0005]; EX1001, ¶¶381-385, 416.) The seat(s) are releasably connected to the "frame 13" either directly or via "adapters 12." (EX1041, ¶0001, ¶0012; EX1001, ¶417.)

Gotting discloses the "adapters 12" are reversible. (EX1041, ¶0014-0015;

EX1001, ¶¶418-419.) As a result, the Gotting stroller can arrange the seats such that either: (1) the back seat is higher than the front seat or (2) the front seat is higher than the back seat. (EX1001, ¶419)

Gotting Figure 1 illustrates the embodiment where the front seat 11 is higher than the rear seat 10. (EX1041, ¶¶0014-0015, Fig. 1; EX1001, ¶419.) A second Gotting embodiment discloses adapters that are reversed so that the rear seat is higher than the front seat. (*Id.*) This alternative embodiment is shown below ("Modified Fig. 1¹⁷").

In Modified Fig. 1, the upper "seat 11" ("first seat") attaches to the adaptor at the "connecting points 16" at a vertical position V1. (EX1001, ¶421.) The adaptor attaches directly to the "frame 13" at a vertical position V1'. (*Id.*) A POSITA would understand that either V1 or V1' could meet the claimed "first vertical position." (*Id.*) Both V1 and V1' are closer to the pink "handle portion" than the "front end portion" as shown by the distance arrows (i.e., D1<D2 and D1'<D2'). (*Id.*, see Modified Fig. 1 below.)

¹⁷ This "Modified Figure 1" was created to illustrate the alternative embodiment in Gotting. (EX1001, ¶420.)



EX1041, Fig. 1 (Modified)

Gotting alternatively discloses that one could eliminate the adaptors, instead use standard attachments, and releasably attach the seats directly to the frame such that the first seat is attached above the second seat. (EX1041, ¶0014; EX1001, ¶¶422-423.) Because Gotting discloses that, "[b]y using standard attachment elements, the seats can be placed in any position on the frame," the first seat can be attached at a first vertical position (V1) closer to the "handle portion" than the "front end portion." (EX1041, ¶0007; EX1001, ¶423.)

Gotting also discloses that the first seat is "connectable to the frame in either

a forward or backward facing position¹⁸ to form the single seat configuration" as claimed. (EX1041, 90013, 90007; EX1001, 9424-426.) As such, Gotting, in light of Britax, teaches this limitation. (EX1001, 9426.)

e. [1.5a]

As discussed above, Modified Fig. 1 of Gotting discloses that the frame can receive an optional second seat assembly to form a double seat configuration. (EX1041, ¶0001, ¶0011; EX1001, ¶427.)



EX1041, Fig. 1 (Modified and Annotated)

¹⁸ Modified Fig. 1 shows seat 11 in the forward facing position.

Alternatively, Gotting also discloses the claimed "second seat assembly" in the above-described embodiments where the two seats are directly attached to the frame without the adapters 12. (EX1041, [0014]; EX1001, ¶427.)

f. [1.5b]

Gotting discloses right and left seat attachments ("adapters 12"), as shown in gold in Modified Fig. 1 below, that are disposed along the foldable support members (red/blue). (EX1041, [0012]; EX1001, ¶429.)



EX1041, Fig. 1 (Modified)

These left and right "seat attachments" are disposed along the "foldable support members" at a second vertical position (V2) that is lower than the first vertical position (V1). (EX1041, [011], [0012].) This places the "second seat"

lower than the "first seat." (EX1041, ¶0011; EX1001, ¶429.)

g. [1.5c]

This second vertical position (V2) is closer to the front end portion than the handle portion (pink). Modified Gotting Figure 1 below shows D4 less than D3. (EX1001, ¶432-433.)



EX1041, Fig. 1 (Modified)

h. [1.5d]

Gotting discloses the second seat is connectable to the right and left seat attachments (gold). (EX1041, ¶0011-¶0012; EX1001, ¶¶429-431, 434-436.)

Case No.: IPR2025-01140 Patent No.: 11,577,771

Modified Fig. 1 shows the "second seat" connected to the seat attachments in the backward facing position. (EX1001, ¶435.) However, Gotting discloses the seats can attach to face either direction. (EX1041, [0013]; EX1001, ¶434.)



i. [1.5e]

Gotting teaches that, when the seats are attached to "seat attachments" (gold) as shown in Modified Fig. 1, the first seat is higher than the second seat, i.e., the seats are in an inline descending configuration. (EX1041, ¶0011; EX1001, ¶¶437-439.) As shown by the blue dashed line, this configuration is substantially along the plane of the frame. (*Id.*)

Case No.: IPR2025-01140 Patent No.: 11,577,771



EX1041, Fig. 1 (Modified)

2. Claims 2/3

Gotting discloses the second seat is connectable both above, and substantially over, the two front wheels. (EX1041, Fig. 1; EX1001. ¶¶440-441.)



EX1041, Fig. 1 (Modified)

3. Claim 4

Gotting discloses the first seat ("seat 11") is connected to the stroller frame substantially over the two rear wheels 17. (EX1041, Fig. 1, EX1001, ¶¶442-444.)

Case No.: IPR2025-01140 Patent No.: 11,577,771



EX1041, Fig. 1 (Modified)

Gotting discloses a stroller where the center of gravity of the stroller remains between the front and rear wheels even when both seats are connected to the stroller frame. (EX1041, ¶0003-¶0005; EX1001, ¶443.) Gotting explains that by stacking the seat vertically, the seats are maintained between the front and rear axles maintaining a central center of gravity without counterweights. (*Id.*) This is clearly shown in modified Figure 1 (and original Figure 1) where the seats 10, 11 are located between the front and rear axles. (*Id.*)

4. Claim 5

Gotting discloses that the left/right "seat attachments" ("adapters 12") have "connector portions" configured to attach to the right and left "foldable support

members." (EX1041, ¶0011, Fig. 2; EX1001, ¶445.)



EX1041, Fig. 2

The "seat attachments" connect to the left and right "foldable support members" through two support bars, each directly connected to the right and left support members, respectively. (EX1001, ¶¶445-449.) The support bars are more clearly depicted in Britax, which shows the left support bar (22) attached to the left side support member by a "pin 24." (EX1048, 3:5-10; EX1001, ¶¶446-447.)



EX1048, Fig.1

Therefore, a POSITA would understand that the support bars of Gotting also have slots that receive the "connector portions" of the corresponding "seat attachments" ("adapters 12" (gold) to them to the frame. (EX1041, Fig. 1; EX1048, Fig. 1; EX1001, ¶¶447-449.)



EX1041, Fig. 1 (Modified)

5. Claim 6

Gotting discloses that the "adapters 12" ("seat attachments" (gold)) have "seat attachment elements" ("connecting points 15") that releasably support the second seat in either the forward or backward facing position. (EX1041, Gotting, ¶0001, ¶0007, ¶0011, ¶0013, Figs. 1-2; EX1001, ¶¶451-453.)



EX1041, Fig. 2



EX1041, Fig. 1 (Modified)

These seat attachment elements are designed to releasably connect with the

seat in "either the forward or backward facing position." (EX1041, ¶0001, ¶0007, ¶¶0012-0013; EX1001, ¶¶451-452.)

6. Claim 7

As discussed herein, the left and right "foldable support members" (red/light blue) of Gotting each have a support bar (green). (EX1041, Fig. 1; EX1001, ¶¶454-455.) A POSITA would understand that these support bars (green) comprise "attachment portions" for the "seat attachments" (gold) to attach to the "foldable support members." (*Id.*) These "attachment portions" (green) engage with and support the "connector portions" of the "seat attachments" (gold). (*Id.*)



EX1041, Fig. 1 (Modified)

7. Claim 8

Gotting discloses that the left/right "attachment portions" (green) of the support members each define slots that receive the "connector portions" of the "seat attachments" (gold). (EX1041, Fig. 1; *see also* claim 5 above; EX1048, Britax, Fig.1; EX1001, ¶445-450, 456-459.)



EX1041, Fig. 1 (Modified)

8. Claim 9

Gotting, alone or in combination with Britax and/or the knowledge of a POSITA, discloses the right and left "foldable support members" include a pair of tubular structures. (EX1001, ¶¶389-415, 460-464.)

Gotting is silent as to whether the "foldable support members" are tubular. However, a POSITA would understand the "foldable support members" include "tubular structures," which were ubiquitous in stroller designs and an obvious design choice for frame members to maintain a lighter stroller. (EX1001, ¶¶461-463.) Indeed, Britax, which has a nearly identical frame, discloses the lower support tubes (blue) and upper support tubes (red) are hollow tubular structures. Case No.: IPR2025-01140 Patent No.: 11,577,771

(EX1048, Fig. 3; EX1001. ¶462-463.)



EX1048, Fig. 3

9. Claim 10

Gotting discloses a stroller frame with a "rear wheel support portion" (brown) coupled to the "rear wheels 17." (EX1041, ¶0011, Fig. 1; EX1001, ¶¶386-388, 465-466.)



EX1041, Fig. 1 (Modified)

10. Claims 11/12

Gotting discloses the "rear wheel support portion" (brown) includes a pair of left and right "parallel support members" (also colored brown) connected to the left and right foldable members (red/blue) by pin connections. (EX1041, Fig. 1; EX1001, ¶¶389-415, 467-471.)



EX1041, Fig. 1 (Modified)

The left "parallel support member" (brown) is shown in Figure 1 as being pivotally connected to the "left foldable support member" (red/blue). (*Id.*) Since the stroller of Gotting is symmetrical,¹⁹ the "frame 13" also has a right "parallel support member" pivotally connected to the "right foldable support member." (EX1001, ¶¶468-469.) This is evident from Modified Fig. 1, which shows the right "parallel support member" directly behind the left and completely hidden from view. (*Id.*) In addition, a POSITA would have understood they are inherently parallel because if not, it would put unnecessary stresses on the support bar and ¹⁹ See claim 1.

connections to the "foldable support members" and could also impact foldability. (*Id.*)

To the extent Gotting fails to inherently disclose "a pair of parallel support members," it would have been obvious, and a mere design choice, to design the stroller of Gotting to have the left and right members of the rear wheel support be parallel. (EX1001, ¶¶470-471.) Making the parts the same streamlines manufacturing, reduces costs, and provides uniform folding. (*Id.*) It was well known in the art for stroller frames to be symmetrical and use duplicated parts. (EX1016, 5:40-43; EX1033, 1:28-32; EX1041, 6:6-12, EX1001, ¶470.)

11. Claim 13

As discussed in limitation [1.3], each "foldable support member" of Gotting includes a "folding mechanism" (a hinge) dividing the "upper portion" (red) and the "lower portion" (blue), allowing the stroller frame to fold. (EX1041, ¶0011, Fig. 1; EX1048, 1:21-26, 3:5-7, 3:14-18; EX1001, ¶¶389-415, 472-474.)



EX1041, Fig. 1 (Modified)

Figure 1 shows the "upper portions" (red) of the "foldable members" adjacent the "handle portion" (pink) and the "lower portions" (blue) adjacent the "front end portion." (EX1001, ¶473.)

12. Claim 14

As discussed in claim 1, Gotting discloses two wheels. Gotting further discloses that the front end portion is coupled to the two front wheels. (EX1041, ¶0011, Fig. 1; EX1001, ¶475-476.)



EX1041, Fig. 1 (Modified)

13. Claim 15

As discussed in claims [1.3] and 13, Gotting discloses a "folding mechanism" that includes a hinge (pivot pin) on each "foldable support member." These folding mechanisms connect the "upper portion" (red) to the "lower portion" (blue) of each "foldable support member." (EX1041, ¶0011, Fig. 1; EX1048, 1:21-26, 3:5-7, 3:14-18; EX1001, ¶477.) The "foldable support members," and thus the pivot pins ("pivots"), are spaced apart with one on each side of the stroller. (*See* claim 1.) (EX1001, ¶477.)



EX1041, Fig. 1 (Modified and Annotated)

C. Ground 3 – Claims 1-5 are obvious in view of Offord '341 and Offord '797

- 1. Claim 1
 - a. [1.0]

The preamble is not limiting. To the extent that is, Offord '341 discloses limitation [1.0].

Offord '341 discloses multiple embodiments for a "stroller." (EX1051, 1:4-6.) As shown below left, Offord '341 discloses a single-seat and dual-seat stroller configuration. (EX1051, 5:45-50.) Below right, Offord '341 teaches the use of "interface portion components 100" which—when attached—allows for an optional double-seat configuration. (EX1051, 9:15-21, *see also* 6:13-36, 7:36-48; EX1001, ¶¶485-487.) As shown, a POSITA would understand when the "components 100" do not increase the footprint of the original single-seat stroller. (EX1001, ¶488.)



EX1051, Figs. 1, 14, 15

b. [1.1] / [1.2]

Offord '341's stroller includes two "rear wheels 6" and visually includes "only two front wheels." (EX1051, 5:45-51; EX1001, ¶490.)

Case No.: IPR2025-01140 Patent No.: 11,577,771



EX1051, Fig. 1

c. [1.3]

Offord '341 discloses a "frame assembly 4" supported by the front and rear "wheels 6." (EX1051, 5:45-50; EX1001, ¶492-493.) Offord discloses an "inverted U-shaped [handle 8] telescopically attached to the frame..." -i.e., "handle portion." (EX1051, 5:45-50; EX1001, ¶493.)



EX1051, Fig. 1

The stroller frame includes a right/left-side upper foldable support member (red) and a right/left-side lower foldable support member (light blue) connected by a folding "hinge 16." (EX1051, 5:61-62; 5:60-6:06; 6:3-4.) Both right/left-side upper members (red) and lower members (blue) extend downward from the "handle portion" (pink) towards the "front end portion" of the frame (*e.g.*, wheel "mouldings 19"). (EX1051, 5:45-50; EX1001, ¶¶493-496.) Offord '341 discloses the "hinge device 16" allows the upper member (red), lower member (light blue), and back wheel support member (brown) fold and unfold. (EX1051, 5:60-6:2; EX1001, ¶¶496-497.) The left lower member, upper member, and "hinge 16" discloses the "left foldable support member." The right lower member, upper member, and "hinge 16" discloses the "right foldable support members."



EX1051, Figs. 15, 7, and 8

As shown below, Offord '341 teaches "foldable support members" extending diagonally in a parallel, spaced relationship from the "handle portion" toward the "front end portion" of the frame. (EX1001, ¶¶498-501.) Given the parallel relationship between the left and right side of the stroller frame, Offord '341 also teaches the left and right "support members" that extend within a plane from the handle portion to the front end portion. (EX1001, ¶501.) Offord '341 would therefore be understood as teaching left/right "foldable support members" that extend "substantially" within a plane. *Id*.



EX1051, Figs. 13a (modified) and 1

To the extent claim limitation [1.3] requires, and Offord '341 does not teach, a fully parallel relationship, it would have been obvious to a POSITA to modify the lower support members (light blue) in Offord '341 to be parallel. (EX1001, ¶500.) Doing so would serve common design objectives such as structural symmetry and compatibility with accessories and involves only routine engineering choices within the finite range of known frame configurations. *Id*.

d. [1.4]

Offord '341 discloses two "interface components 100" (green) that convert the stroller from a single seat to a dual-seat configuration (EX1054, 9:16-56.)



EX1051, Figs. 1, 14, and 15

The "interface components 100" each have a "leg 102" that connect within a "receptor cups 34" each located on a side of the stroller frame. Offord '341 states that once the "components 100" are connected a "sub-frame of the frame assembly" is formed allowing for an optional dual-seat configuration. (EX1051, 9:23-29; EX1001, ¶\$503-504.)


EX1051, Figs. 4, 14 (cropped), and 15 (amended)

A POSITA would understand the "components 100" are reversible, enabling either an inline ascending or inline descending configurations (as shown below). (EX1001, ¶504.)



EX1051, Figs. 15 (original) and 15 (amended)

Specifically, a POSITA would have understood the "receptor cups 34"

would be designed to allow the "components 100" to be rotated 180° thereby reversing each seat's orientation and vertical positioning. (EX1001, ¶¶505, 511.)



EX1054, Figs. 4, 14-15 (modified)

Offord '341 expressly references Offord '797 (a prior patent application by the same inventor) which discloses a "similar sub-frame assembly." (EX1051, 9:35-36.) In referencing Offord '797 a POSITA would become aware it expressly teaches the subframe assembly, *i.e.*, "interface portion 10" (green), can be rotated 180° to reverse the seat orientation and vertical positioning. (EX1054, 3:3-14, 4:24-30; EX1001, ¶¶506-507.) For example, Figure 1 shows the front seat lower than the rear seat (inline descending), while Figure 2 shows the opposite (inline ascending). *Id.* A POSITA would be motivated to reverse the "components 100" in Offord '341, achieving a similar result with predictable success as the rotatable subframe assembly taught by Offord '797. (EX1001, ¶¶508-510.)



EX1054, Figs. 1, 2

A POSITA would have understood (either independently or based on the teachings of Offord '797) that "interface components 100" were reversable. (EX1001, ¶511.) A POSITA would have understood the "curved lug 108" on the "interface portion"—which is shown in Figure 15 as resting on the back portion of the basket frame 44—could also rest on the front side of the basket frame 44 to help support both seats. (EX1051, ¶9:32-35; EX1001, ¶509.) This reversal would position the rear seat above the front seat, with the upper seat coupled at a vertical position closer to the handle. (EX1001, ¶¶512-513.)





Fig. 15 in view of EX1054

As shown below, when the sub-frame of Offord '341 is reversed, the first seat is coupled to the stroller sub-frame, *i.e.*, the "interface portion components 100" attached to the frame, at the upper pair of sockets 106 (lime green). This places the first seat at a first vertical position (V1) that is closer to the "handle portion" (pink) than to the "front end portion" of the stroller. (EX1001, ¶514.)



EX1051, Fig. 15 (modified)

Both Offord '341 and Offord '797 disclose the first seat may face forward or backward. Although not required, the seat attachments—such as "connector portions 48" and "detents 76"—permit reversible seating. (EX1001, ¶¶515-517.) Offord '797 explicitly shows the upper seat in both orientations. (EX1054, 2:12-16, Figs. 1 and 2; EX1001, ¶518.)

e. [1.5a]

Offord '341 discloses the stroller frame can receive a removable "second seat assembly" to form a "double-seat configuration." (EX1051, 9:16-31; 9:53-56, Fig.15.) A POSITA would understand this "second seat assembly" is optional, as the stroller remains functional without it. (EX1001, ¶520.) When used, the second seat is connected via a pair of "seat attachments 14" installed into the "lower

sockets 106" (gold) forming the second seat assembly. (EX1054, 7:36-48; EX1001, ¶520.) A POSITA would understand the "seat 10," the "mounting devices 14," and the "lower sockets 106" are an "optional second seat assembly." *Id*.



EX1051, Fig. 9, 15, and 16

f. [1.5b] / [1.5c]

Offord '341 teaches a double-seat configuration with the seats arranged inline and descending (as shown below). (EX1051, Offord '341, 9:16-31; 9:53-56, Fig.15; EX1001, ¶522.) The "connector sockets 106" (gold) are a right/left "seat attachment." (EX1001, ¶523.) The "sockets 106" are part of the sub-frame ("components 100") and are disposed along the lower left/right members (light blue) of the "foldable support frame." (EX1051, 9:57–67; EX1001, ¶524-525.)

Case No.: IPR2025-01140 Patent No.: 11,577,771

The "sockets 106" receive "mounting devices 14" (gray) of the "optional second seat assembly" creating the dual-seat configuration. (EX1051, 9:16-31; EX1001, ¶524.)



EX1051, Figs. 9, 14 (modified) and 15 (modified)

When the "interface components 100" are reversed to provide an inline descending configuration, the "connector sockets 106" ("seat attachments" (gold)) are disposed at a second vertical position (V2) that is lower than the first vertical position (V1). The lower "sockets 106" are positioned closer to the "front end

Case No.: IPR2025-01140 Patent No.: 11,577,771



portions" than to the handle portion.

EX1051, Figs. 15 and 13A (modified)

A POSITA would have been motivated either by the teachings of Offord '341 alone or in combination with the teachings of Offord '797 to reverse the subframe assembly as shown above. (EX1001, ¶526.) Alternatively, a POSITA would be motivated to use the "sub-frame 10" disclosed in Offord '797 with the frame of Offord '341. *Id.* In either configuration, as shown below, the Offord '797 seat attachments ("adaptors 15a") or Offord '341 seat attachments "sockets 106" (both gold) would be mounted along the stroller frame, *i.e.*, upper frame (red) and lower frame (light blue), at a second vertical position (V2) that is lower than the first vertical position (V1). (EX1054, 3:12-30; EX1001, ¶526.)



EX1054, Fig. 4

EX1051, Fig. 13a (modified)

As annotated above, both Offord '797 and Offord '341 teach the lower position of the seat attachment (designated as "V2") is spaced from the "front end portion" by distance D3 and from the handle portion by distance D4. A POSITA would have recognized D3 < D4—confirming that the second vertical position is closer to the front end than to the handle. *Id*.

g. [1.5d]

As, discussed directly above, Offord '341 teaches the "second seat" being connectable to the right/left "seat attachments" (gold). (EX1051, 9:15-21.) A POSITA would understand this language permits, but does not affirmatively require reversibility. (EX1001, ¶530.) Regardless, both Offord '341 and Offord '797 teach reversible seats. (EX1001, ¶¶530-531.) A POSITA would understand Offord '341 teaches the "second seat" connects to the right and left "seat

attachments" in either orientation. *Id.* Although shown with both seats facing forward, the structure of "connector portions 48" and "retractable detents 76" allows the seats 10 to be reversed and securely inserted into "connector sockets 106," enabling forward or rearward-facing use as shown below. *Id.*



EX1051, Figs. 9 and 14 (modified)

Alternatively, Offord '797 teaches both rearward and forward facing seat configurations. (EX1054, 2:12-16, 4:24-30; EX1001, ¶532.) Given connectors were known to allow for reversibility of seats, a POSITA would have understood Offord '341 included or could have been designed to include "seat attachments" allowing the second seat to be configured in a forward or rearward facing position. (EX1001, ¶¶533-534.)

h. [1.5e]

Offord '341 discloses a dual-seat configuration in which the first and second seats can be arranged in both inline ascending and descending configurations. (EX1051, 9:15-21.) The curved bar 104 creates a height offset and lateral spacing that positions the seats "one behind the other, in an echelon formation, on a vehicle frame assembly." (EX1051, 9:16-22; 3:65-4:1.) A POSITA would have found it obvious to reverse the sub-frame orientation, including "interface portion components 100," by 180 degrees as discussed above. (EX1001, ¶¶536-537.)





Fig. 15 (Modified)

Offord '341 (original) teaches both seats being in-line and descending. Offord '341 also teaches "interface components 100" (generally green) are adjustable in size and height to change the relative positioning of the "sockets 106." (EX1051, 9:37-52.) A POSITA reading Offord '341 would understand the "sockets 106" (gold) were designed and could be further adjusted to provide variances in vertical placement of both seats. A POSITA would have understood by Offord '341's teachings the "interface components 100" could be reversed (Fig. is modified) and the location and vertical placement of the sockets where the seats are connected could be adjusted, (EX1001, ¶¶538-539.) A POSITA would have understood Offord '341 teaches the second seat can be arranged in line and descending with respect to the first seat and when connected both seats would lie along the plane of the frame. *Id.*

Alternatively Offord '797 (which Offord '341 expressly references) teaches a configuration where the first upper first seat (closer to the handle portion) is arranged in an inline descending configuration with respect to the second seat when both seats are connected to the subframe assembly (i.e., the frame). As shown below, Offord '797 also teaches the seats when configured inline and descending they are arranged "substantially along the plane of the frame." (EX1001, ¶¶540-541.)



EX1054, Fig. 1

A POSITA would have found it obvious to arrange the seats of Offord '341—as taught by Offord '797—in an inline descending configuration along the stroller frame, given that the vertical and horizontal spacing between the upper and lower "connector sockets 106" is adjustable. (EX1051, 9:37–52; EX1001, ¶¶540-541.) Likewise, a POSITA would understand that if an inline descending configuration were desired, the "sub-frame 10" from Offord '797 could be used with the Offord '341 frame to achieve an inline descending configuration "substantially along the plane of the frame." *Id.*

2. Claims 2/3

See claims [1.2] and [1.3] above. Once the "interface portion components

100" are reversed (or alternatively replaced with the interface portion 10 from Offord '797), the lower seat 12 would be positioned above and substantially over the front wheels 6 and the "storage basket 44", as shown in modified Figure 15. (EX1001, \P 543.)



EX1051, Fig. 15 (modified)

Offord '341 teaches the seat placement can be adjusted—for example, as a child grows—by repositioning the "connector sockets 106" to align with the frame's diagonal angle and optimize the center of gravity. This adjustment helps "prevent any possibility of dangerous tilting or toppling over." (EX1051, 9:45–52.) A POSITA would understand that the first seat can be shifted rearward and the second seat forward, extending further over the front wheels further satisfying claim 2. (EX1001, ¶544.)

Regarding claim 3, the front "second" seat would be positioned substantially

over the two front wheels. A POSITA would understand that extending outward in front of the wheels too far could shift the center of gravity to a position that may cause the stroller to tilt or topple–against Offord '341's teachings. (EX1001, ¶545.) Also, the seat could be adjusted toward the back of the stroller without interfering with the first "upper" seat. *Id*.

3. Claim **4**

Modified Figure 15 shows the upper seat ("first seat") positioned substantially over the rear wheels 6, placing the stroller's center of gravity between them. (EX1001, \P 547.)



EX 1051, Fig. 15 (modified)

Offord '341 teaches that seat placement can be adjusted—for example, as a child grows—by repositioning the "connector sockets 106" to shift the first seat rearward. (EX1051, 9:45-2.) A POSITA would understand that aligning the

"connector sockets" along the angled side frames positions the center of gravity between the wheels to "prevent any possibility of dangerous tilting or toppling over." (EX1001, ¶¶547-548.) Accordingly, a POSITA would recognize that the first seat can be moved further back and the second seat further forward, extending over the front wheels. (EX1001, ¶548.)

4. Claim 5

Offord '341 discloses that the "seat attachments," "connector sockets 106" (gold) include "downwardly curved lugs 108." (EX1051, ¶9:16-36.) These "lugs 108" are designed to "rest upon a part of the basket frame 44" that is affixed to the lower right/left support members. *Id.* The "lugs 108" disclose the claimed "connector portions" configured to connect to the support members via the "basket frame 44." (EX1001, ¶¶550-551.)



EX1051, Figs. 14 and 15 (modified)

5. Claim 6

The "connector sockets 106" each include slots on their side walls designed to receive "detents 76" located on each seat's "mounting devices 14." (EX1051, 8:1-6; 8:27-39.) These slots allow the "detents 76" to securely couple the seat when inserted. The slots also allow the seats to be releasably removed by depressing the detents. (EX1001, ¶553-554.)



EX1051, Figs. 14 (modified) and 16

A POSITA would understand the "detents 76" are the "seat attachment elements." (EX1001, ¶555.) While Offord '341 shows both seats facing forward, the design of the detents 76 and connection slots shown on the "connector sockets 106" (and the "receptor cups 34") inform a POSITA the seats can be reversed and

supported in either direction. (EX1001, ¶556; *See* [1.5e] above.)

6. Claim 7

The right/left "foldable support members" (red and light blue) are disclosed as including "receptor cups 34" (purple) designed to receive the "connecting legs 102." (EX1051, 9:14-30.) Once attached to form the sub-frame assembly, a POSITA would understand when the "connecting legs" are inserted into the right/left "attachment portions" ("receptor cups" (purple)), the entire "interface portion 100" including the lower "sockets 106" are supported by the "attachment portions" (purple). (EX1051, 9:57-61; EX1001, ¶¶558-562.)



EX1051, Figs. 14, 15 (modified), and 16

7. Claim 8

As shown directly above, a POSITA would have understood the "receptor cups 34" (purple) are the right/left "attachment portions." (EX1001, ¶564.)



EX1051, Figs. 14, 15 (modified), and 16

The "receptor cups 34" include "slots" or openings designed for receiving the "connecting leg 102" of the "interface components 100" which includes "connector portions" ("lugs 108"). (EX1001, ¶565.)



EX1051, Fig. 17

If Offord's aperture in "cups 34" (purple) is considered too round to be a "slot," it would have been obvious to a POSITA to elongate it. Modifying a hole

into a slot is a predictable design choice commonly used to allow adjustability or alignment. (EX1001, ¶565; EX1021, Fig.17.)

8. Claim 9

Offord '341 discloses that "frame assembly 4," including the right/left "foldable support members," are formed from a "tubular frame-work." (EX1051, 6:37-39.) Moreover, Figure 4 shows the "hinge 16" having upper (red) and lower (blue) stubs. The upper/lower portions must be hollow tubes to be received over the stubs. (EX1001, ¶¶567, 568, 296.) If they were not tubular, they could not fit over and couple to the design shown by Figure 4. *Id*.



EX1051, Fig. 4

9. Claims 10/11

Offord '341 discloses that the "rear wheels 6" coupled to the right/left rear wheel support portion (brown). (EX1051, ¶5:45-47.) The "rear wheel support portion" is also coupled to the left and right "foldable support members" (red/blue) of "frame assembly 4" through a common pair of "hinge devices 16." (EX1051, 5:61-6:12.) The "hinge device" allows the upper/lower/rear support portions to rotate between a folded and unfolded configuration. (EX 1051, 5:61-6:12; EX1001, ¶570.)



EX1051, Fig. 1

Case No.: IPR2025-01140 Patent No.: 11,577,771



EX1051, Figs. 7, 8, and 15.

10. Claim 12

Offord '341 discloses "rear wheel support portions" (brown) connected at the hinge device. (EX1051, 6:2–13.) These supports are slightly curved and a POSITA would not find them to be strictly parallel. (EX1001, ¶¶572-573.) However, it would have been obvious to a POSITA to modify them to be parallel, as both curved and parallel supports are well-known in stroller design. *Id.* As shown below, Offord '797—explicitly referenced in Offord '341—illustrates parallel rear supports in a similar frame structure. (EX1054, Fig. 3.)



EX1054, Fig. 3

Replacing the curved supports with parallel ones would not alter their function of supporting the rear wheels and would predictably yield similar or improved structural performance. (EX1001, ¶573.) A POSITA would be motivated to make this change to simplify manufacturing, reduce costs, and improve foldability. In my opinion, this is an obvious design choice. *Id*.

11. Claim 13

Offord '341 discloses a left/right "hinge devices 16" that divide the left and right "foldable support members" into upper portions (red) and lower portions (light blue). The upper portion (red) is adjacent to and connected with the :handle portion" (pink), while the lower portion (light blue) is adjacent to the "front end Case No.: IPR2025-01140 Patent No.: 11,577,771

portion." While the front crossmember is colored, the wheel housings 19 would also be considered part of the "front end portions." (EX1051, 5:60-6:12; EX1001, ¶575.)



EX1051, Fig. 1

12. Claim 14

See claim [1.2] above. Offord '341 discloses two front "wheels 6" coupled to the "front end portion" of the stroller frame using a "common moulding 19." (EX1051, 6:3-12; EX1001, ¶577.)



EX0151, Fig. 3

13. Claim 15

Offord '341 discloses a folding mechanism comprising spaced-apart hinges 16 on each side of frame assembly 4. These hinges include pivots that enable the upper frame portion to fold relative to the lower frame portion. (EX1051, 6:49-7:20; 6:37-39; EX1001, ¶579.)



EX1051, Figs. 15, 7, and 8

D. Rationale to Combine

1. Gotting and Britax

Britax is being relied upon to show how a POSITA would understand Gotting. Alternatively, to the extent any claim element is deemed missing in Gotting, it would have been obvious to combine the disclosure of Britax for the reasons discussed in Ground 2 and below.

First, Gotting and Britax are analogous prior art both in the field of baby strollers. (EX1041, ¶0001; EX1048, 1:21; EX1001, ¶463.) Second, Gotting and Britax have the same applicant—Britax-Teutonia Kinderwagenfabrik GmbH. (EX1041, Cover; EX1048, Cover.) Third, Gotting is a follow-on application to Britax and has substantially that same chassis (frame). (EX1001, ¶465.) Fourth, Gotting improves upon Britax by teaching means for attaching two seats (*e.g.*, "adapter 12") to the common chassis (frame). (*Id.*) Below is a side-by-side showing the common chassis (frame) colored yellow.



EX1041, Fig. 1; EX1048, Fig. 1

It is clear from the side-by-side that both have upper tubes connected with the handle, front wheel tubes, rear wheel tubes, and a horizontal support member, *e.g.*, 22, that are interconnected to form the frame. (EX1001, ¶466.)

To the extent Gotting does not already disclose folding mechanisms, it would have been obvious to add the "folding joint 14" of Britax to Gotting. As shown above, Gotting and Britax have very similar frames and the "folding joint 14" could have been added to Gotting in place of the illustrated coupling. (EX1048, 1:21-26, 3:5-7, 3:14-18.) This would allow the upper portion to fold relative to the lower portion as disclosed by Gotting. (EX1041, ¶0011; EX1001, ¶468.)

2. Offord '341 and Offord '797

Offord '341 and Offord '797 are both directed to stroller designs and are analogous prior art. (EX1001, ¶¶580–581; EX1051, 1:4-6; EX1054, 1:1–5.) Offord '341 expressly cites Offord '797 and refers to its similar "sub-frame 10," which supports a dual-seat configuration. (EX1051, 6:45-47; EX1054, 3:3-7.) A POSITA would have been motivated to consult Offord '797 to understand potential applications to Offord '341, particularly regarding the reversibility of "interface components 100." (EX1001, ¶¶486, 490, 492-493, 580-581.)

Reversing the "interface components 100" so that the rear seat is higher than the front is merely the application of a known technique to a similar device with predictable results. *See KSR*, 550 U.S. at 417. While Offord '341 shows a front-toback echelon configuration, Offord '797 illustrates a back-to-front echelon configuration. (EX1054, Fig. 1.) A POSITA would have reasonably expected that reversing the sub-frame components in Offord '341 would achieve the claimed seating configuration. (EX1001, ¶492-494, 581.)

Accordingly, it would have been obvious to a POSITA to reverse the "interface components 100" in Offord '341 based on the teachings of Offord '797. (EX1001, ¶¶490, 582.)

122

XI. Secondary Considerations

Petitioner is not aware of any secondary considerations or objective indicia

of non-obviousness.

XII. Conclusion

There is a reasonable likelihood that Petitioner will prevail and respectfully

requests institution on the Challenged Claims.

Dated: June 17, 2025

Respectfully submitted,

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Certificate of Compliance Pursuant to 37 C.F.R. § 42.24

This paper complies with the type-volume limitation of 37 C.F.R. § 42.24. The paper contains 13,280 words, excluding the parts of the paper exempted by § 42.24(a).

This paper also complies with the format and type style requirements of 37 C.F.R. § 42.6(a).

Dated: June 17, 2025

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<u>Appendix A – Index of Challenged Claims</u>

Claim 1			
[1.0]	A stroller convertible from a single seat configuration to a double seat		
	configuration without increasing its footprint, comprising:		
[1.1]	two rear wheels;		
[1.2]	only two front wheels;		
[1.3]	a frame supported by the front and rear wheels and comprising a handle portion and left and right foldable support members extending from the handle portion towards a front end portion of the frame, the foldable support members extending in a parallel, spaced relationship and substantially within a plane that runs diagonally from the handle portion towards the front end portion of the frame;		
[1.4]	that is closer to the handle portion than the front end portion, the first seat being connectable to the frame in either a forward or backward facing position to form the single seat configuration; and		
[1 .5 a]	wherein the frame receives an optional second seat assembly to form the double seat configuration, the second seat assembly comprising:		
[1.5b]	right and left seat attachments disposed along the right and left support members of the frame, respectively, at a second vertical position that is lower than the first vertical position, and		
[1.5c]	wherein the second vertical position is closer to the front end portion than the handle portion; and		
[1.5d]	a second seat connectable to the right and left seat attachments in either a forward or backward facing position;		
[1.5e]	wherein the first seat and the second seat, when connected to the frame, are arranged in an inline descending configuration substantially along the plane of the frame.		
Claim 2			
2.	The stroller of claim 1, wherein the second seat is connectable above the two front wheels.		
Claim 3			
3.	The stroller of claim 2, wherein above the two front wheels is substantially over the two front wheels.		
Claim 4			
4.	The stroller of claim 3, wherein the first seat is connected to the stroller frame substantially over the two rear wheels so that a center of gravity of		

	the stroller is between the front and rear wheels.		
Claim 5			
5.	The stroller of claim 4, wherein the seat attachments have connector		
	portions configured to connect to the right and left support members.		
	Claim 6		
6.	The stroller of claim 5, wherein the seat attachments have seat		
	attachment elements configured to releasably support the second seat in		
	either the forward or backward facing position.		
	Claim 7		
7.	The stroller of claim 6, wherein the right support member includes a right		
	attachment portion and the left support member includes a left		
	attachment portion, the right and left attachment portions configured to		
	support the connector portions of the seat attachments.		
Claim 8			
	The stroller of claim 7, wherein the right and left attachment portions		
8.	define right and left slots configured to receive the connector portions of		
	the seat elements.		
	Claim 9		
Q	The stroller of claim 8, wherein the right and left support members		
	include a pair of tubular structures.		
	Claim 10		
	The stroller of claim 9, wherein the frame further comprises a rear wheel		
10.	support portion and wherein the rear wheels are coupled to the rear wheel		
support portion.			
	Claim 11		
11.	The stroller of claim 10, wherein the rear wheel support portion is		
	attached to the left and right foldable members.		
Claim 12			
	The stroller of claim 11, wherein the rear wheel support portion includes		
12.	a pair of parallel support members connected to the left and right foldable		
	support members.		
Claim 13			
	The stroller of claim 1, further comprising a folding mechanism dividing		
13.	the left and right foldable members into upper and lower portions,		
	wherein the upper portion of the left and right foldable members is		
	adjacent the handle portion and wherein the lower portion of the left and		
	right foldable members is adjacent to the front end portion.		
Claim 14			

14.	The stroller of claim 13, wherein the front end portion is coupled to the two front wheels.	
Claim 15		
15.	The stroller of claim 14, wherein the folding mechanism includes a pair	
	of spaced apart pivots connecting the lower portion to the upper portion	
	of the left and right foldable members.	

CERTIFICATE OF SERVICE

Pursuant to 37 C.F.R. § 42.6(e)(4), I hereby certify that on **June 17, 2025**, a copy of the foregoing **PETITION FOR** *INTER PARTES* **REVIEW**, and any supporting exhibits filed therewith, were served via UPS Next Day Air Early delivery to the following correspondence address of record for U.S. Patent No. 11,577,771:

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A courtesy copy was also sent via electronic mail to the following counsel

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